

Michael and Michaela McDuffey  
P.O. Box 1916  
Camdenton, MO 65020

RECEIVED

MAY 25 2012

Adjudication Dept.  
Public Service Commission

May 21, 2012

Mr. Bob Berlin  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
Jefferson City, MO 65102

Dear Mr. Berlin:

On March 2, 2012, Summit Natural Gas of Missouri, Inc. filed an application with the Public Service Commission of Missouri for a certificate of convenience and necessity (CCN) for a service area in Camden, Morgan, Miller and Benton Counties. Summit Natural Gas proposes to install a natural gas distribution system and transportation service in this certificated area.

We have been notified by Summit Natural Gas of Missouri that they are interested in installing the pipeline on our property, and we have several concerns with both the application process and the location of the pipeline.

This process began March 2, 2012 with the filing of the application by Summit Natural Gas Utility of Missouri, Inc. (SNG) with the Public Service Commission for a CCN. In the application, it states that SNG "will utilize a 6" steel main line to bring gas to this area" for a total distance of 45.74 miles. Of these 45.74 miles, 43.81 miles will be on private right-of-way, and only 1.93 miles will be on public right-of-way.<sup>1</sup> This means that **95.8% of the 6" steel main gas line would be on private right-of-way.**

As you know, should SNG be granted the CCN, SNG would also be granted the power of eminent domain within the proposed area. With nearly 44 miles of private property that would be immediately and directly impacted and subject to eminent domain, we would assume that the property owners and residents of the proposed certificated area would have been notified of the application by SNG to the Missouri Public Service Commission. Unfortunately, this was not the case.

The Missouri Public Service Commission required that the following be notified of the application by SNG:<sup>2</sup>

- a. Benton, Morgan, Camden and Miller County Commissions
- b. Members of the General Assembly who represent the counties.
- c. Ten persons who reside or own land in the proposed service area.<sup>3</sup>

<sup>1,3</sup> Application of Summit Natural Gas of Missouri, Inc. for a CCN, March 2, 2012.

<sup>2</sup> Order of Directing Notice and Setting Deadline for Intervention Requests, March 6, 2012.

Please notice that only ten persons residing or owning land in the proposed service area were notified.<sup>4</sup> **None of the persons who were notified live in the 43.81 miles of private right-of-way.** Each of the notification letters sent to an address in Camden County. There were no letters sent to persons in Benton, Morgan and Miller Counties.

As a visual aid, we have attached a map that shows the proposed 6" main gas line. The red dots indicate the addresses to which the notifications were sent. Is this a representative sampling of the proposed service area? The attached map is marked **Appendix A.**

In addition, SNG **was not required** to place a legal notice in any of the newspapers serving the proposed area.

Although the proposed 6" gas line exceeds 45 miles in length and effects persons in 4 counties, **no informational public meetings were held.** How can the property owners and residents of this proposed area in four counties voice their concerns, questions, support or opposition when they are never informed of the application and the process?

On March 6, 2012, in the matter of this application of Summit Natural Gas of Missouri, Inc. for a Certificate of Convenience and Necessity, File No. GA-2012-0285, an "Order Directing Notice and Setting Deadline for Intervention Requests" was issued. This Order set the deadline for any application to intervene as no later than April 5, 2012.<sup>5</sup>

The deadline to intervene was April 5, 2012. We received a letter dated March 22, 2012 from Summit Natural Gas of Missouri indicating their plans. However the letter was postmarked **May 10, 2012**, well past the deadline to intervene. The letter and envelope attached are marked **Appendix B and Appendix C.**

How can we as landowners make our concerns made to the Public Service Commission, when we were not notified of the application until more than a month after the intervention deadline?

Where is the transparency in this process? Is the public not to be informed?

According to The Office of Public Counsel web site, "The Office of Public Counsel represents the interest of the public and utility customers in proceedings before the Missouri Public Service Commission (PSC) and in appeals in the courts." We understand that the Office of Public Counsel represents the general population and not the individual, but does anyone in the Office of Public Counsel ask if due diligence has been done in notifying residents and property owners?

It is important for members of the Missouri Public Service Commission and the Office of Public Counsel to remember that the map for a proposed service area includes more than simply tracts of land. As in our case, this is our home. This is where we live and play. Our home includes the beautiful yards and land surrounding our house and buildings.

<sup>4</sup> Application of Summit Natural Gas of Missouri, Inc. for a CCN, March 2, 2012.

<sup>5</sup> Order of Directing Notice and Setting Deadline for Intervention Requests, March 6, 2012.



Our desire is to continue to preserve the beauty of this wonderful and unique property. We are opposed to any plans that include clearing additional land through our property.

In closing, we respectfully ask that members of the Missouri Public Service Commission investigate whether more use of public right-of-way for the 6" main gas line might not better serve the public as well as the individual landowners who will be impacted by the proposed 6" main gas line. We also ask that consideration be given to providing residents and property owners with public notices and information regarding applications for proposed service areas in their communities and to making the process more transparent to the public. Improved communication is needed.

Sincerely,

Michael McDuffey

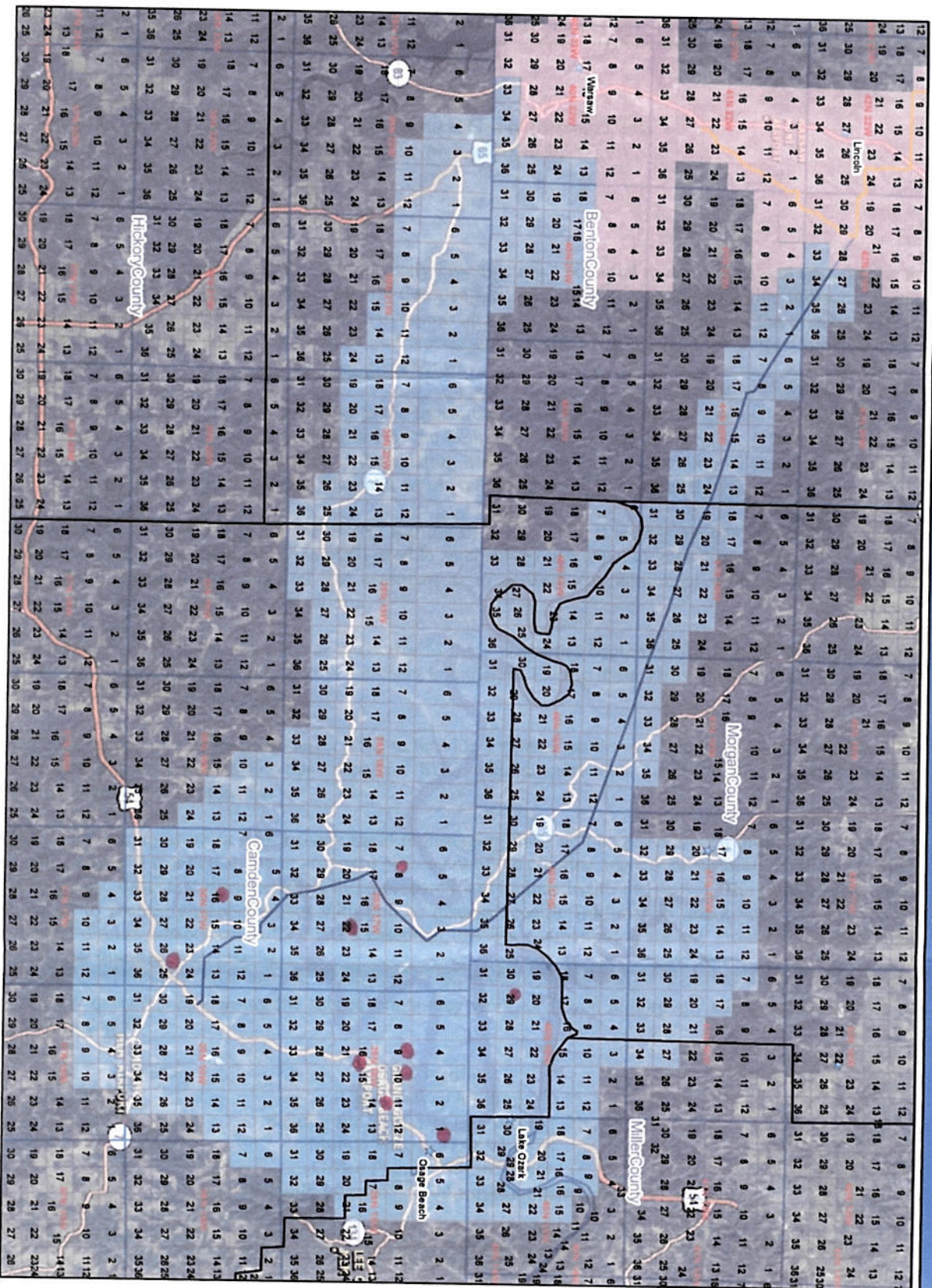
Michaele McDuffey

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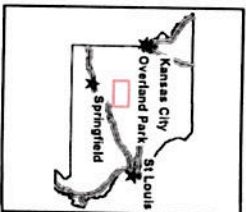
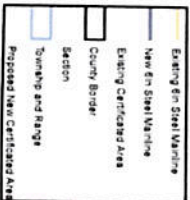
cc: Jay Nixon, Governor  
Kennard L. Jones, Senior Regulatory Law Judge  
Office General Counsel  
Lewis Mills, Office of the Public Counsel  
Marc Poston, Office of the Public Counsel  
Tom Green, Ombudsman for Property Rights  
Lera Shemwell, Missouri Public Service Commission



# Summit Natural Gas of Missouri, Inc. - Appendix A



Lake of the Ozarks



1 inch equals 3 miles



1:220,742

ML000-2

THESE ARE THE TERMS AND CONDITIONS OF THE SALE OF THE LAND DESCRIBED IN THE ABOVE MAP. THE LAND IS BEING SOLD AS IS, WITHOUT WARRANTY, AND THE BUYER ACCEPTS THE LAND IN ITS PRESENT CONDITION. THE SELLER MAKES NO REPRESENTATION OR WARRANTY AS TO THE ACCURACY OF THE MAP OR THE TITLE TO THE LAND. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A TITLE CURATIVE ACT AND FOR OBTAINING A SURVEY OF THE LAND. THE SELLER SHALL BE RESPONSIBLE FOR OBTAINING A TITLE CURATIVE ACT AND FOR OBTAINING A SURVEY OF THE LAND. THE SELLER SHALL BE RESPONSIBLE FOR OBTAINING A TITLE CURATIVE ACT AND FOR OBTAINING A SURVEY OF THE LAND.





P.O. Box 270868 • Littleton, Colorado 80127 • Phone 1-800-927-0787 • Fax (720) 981-2129 • [www.SummitNaturalGas.com](http://www.SummitNaturalGas.com)

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March 22, 2012

**Re: Proposed Natural Gas Pipeline – Summit Natural Gas of Missouri, Inc.  
Request for Property Access and Meeting Involving Right-Of-Way**

To Property Owner:

Summit Natural Gas of Missouri, Inc. (SNG) is currently investigating a potential route for a natural gas pipeline to be located within portions of Benton, Morgan, and Camden Counties in Missouri. This pipeline project is being undertaken in order to provide natural gas service to homes and businesses around the Lake of the Ozarks. SNG is seeking to acquire a Certificate of Convenience and Necessity from the Missouri Public Service Commission to construct and provide gas service in the counties listed above.

SNG is interested in installing the pipeline next to the transmission line corridor already granted on your property. The existing transmission line easement is operated by the Central Electric Power Cooperative. It is SNG's intent to install the pipeline adjacent to the boundary of the existing easement by acquiring additional easement from you. Construction of the pipeline within the new easement would require clearing of additional land.

SNG previously conducted surveys for this project starting in 2010. While it is possible that all necessary survey information was already collected, SNG may still need to send survey personnel to your property in order to verify current conditions along the transmission line easement or to perform any additional work related to locating property corners or relocating easement locations.

Survey personnel wish to begin site visits as necessary to these properties beginning April 2, 2012. Any required work will be confined to the transmission line easement boundaries. During these visits, there will be no alteration or excavations undertaken on the property.

Following construction, it may be possible for SNG to provide a natural gas service line to property owners having a home or business on or close to your property. SNG will be more than happy to discuss with you the circumstances involving a service line.

In addition to any survey work, a right-of-way agent representing SNG will be providing an information packet to you, including an aerial location showing proposed placement of the pipeline and easement location relative to your property boundary. Easement document(s) will be prepared and included with the packet. The right-of-way agent will follow up to request an appointment with you to discuss specific information about your property, cover project details, discuss compensation for SNG's easement, discuss compensation for any crops (if you farm) and answer any other questions you may have.

If you have any questions concerning the subsequent survey work, or if you require any additional notice, please contact the following:

Jim Burtin  
Right-of-Way Manager  
Schultz and Summers Engineering, Inc.  
Mobile Phone: 573-692-0578  
Office Phone: 573-365-2003  
E-mail: [jdburtin@schultzandsummers.com](mailto:jdburtin@schultzandsummers.com)

## **APPENDIX B**

**Summit  
Natural Gas**  
3287 Bagnell Dam Blvd  
Lake Ozark, MO 65049



Michael T Michaele S Mc Duffey  
PO BOX 1916  
CAMDENTON, MO 65020

APPENDIX C

65020-1916

