

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri Gas Energy, )  
a Division of Southern Union Company, for a Certificate )  
of Public Convenience and Necessity Authorizing it to )  
Construct, Install, Own, Operate, Control, Manage and ) **Case No. GA-2007-0289, et al.**  
Maintain a Natural Gas Distribution System to Provide )  
Gas Service in Platte County, Missouri, as an Expansion )  
of its Existing Certified Area )

### **ORDER ADOPTING LIST OF ISSUES, ORDER OF OPENING STATEMENTS, LIST AND ORDER OF WITNESSES AND ORDER OF CROSS-EXAMINATION**

Issue Date: October 10, 2007

Effective Date: October 10, 2007

On October 5, 2007, the Staff of the Missouri Public Service Commission, on behalf of all the parties to this action, filed a document setting out the list of issues, order for opening statements, list and order of witnesses and order for cross-examination of the witnesses that the parties propose to follow in the evidentiary hearing scheduled to begin for this matter on October 25, 2007. That proposal is acceptable to the Commission.

The issues, as submitted by the parties, is not an agreement by any party that any particular issue listed is, in fact, a valid or relevant issue. The parties assert that they consider this issues list to be “non-binding,” and not to be construed as impairing any party’s ability to argue about any of these issues or related matters. The “non-binding” list of issues as submitted by Staff is as follows:

1. Who has a certificate of convenience and necessity (CCN) to serve T52N, R35W sections 1, 2, 3, 10, 11, and 12 and T52N, R34W sections 4, 5 and 6, all in Platte County, Missouri?

2. Should Missouri Gas Energy (MGE) be granted a CCN to serve T52N, R35W sections 13 and 14 in Platte County, Missouri?
3. Should Empire District Gas (Empire) be granted a CCN to serve T52N, R35W sections 13,14, 15, 22, 23 and 24, in Platte County, Missouri?
4. Has the Commission granted MGE a CCN authorizing MGE to provide natural gas service for Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Township 52 North, Range 35 West; Sections 1, 2, 3, 4, 5 and 6 of Township 52 North, Range 34 West; Sections 1 and 12 of Township 52 North, Range 36 West; and Sections 4, 5 and 6 of Township 52 North, Range 33 West, all in Platte County, Missouri? If the Commission has not granted MGE a CCN authorizing MGE to provide natural gas service in these Sections of land, should the Commission order MGE to correct the service territory descriptions in its existing tariffs by excluding references to these Sections?
5. Has MGE constructed, installed, owned, operated, controlled, managed and/or maintained natural gas distribution facilities (gas plant) and/or provided natural gas service without first obtaining the required authorization from the Commission in Sections 10, 11, 12, 13 and 14 of Township 52 North, Range 35 West, in Platte County, Missouri? If so, what remedy(ies) or relief should the Commission order?
6. Should the Commission order MGE to formally provide notice to Empire of any future contact MGE has with developers in areas adjacent to the Empire service area boundaries in Platte County so that Empire can determine where and when future development is occurring along its boundaries?

The Commission further notes that as an ancillary issue to any case before the Commission, the Commission will always hear evidence as to the provision of safe and adequate service. Should the Commission find that evidence exists of unsafe or inadequate service, it may elect to authorize its Staff to pursue a complaint action or to seek penalties for any established violations of State statutes, Commission rules or the company's tariffs.

**IT IS ORDERED THAT:**

1. The List of Issues, Order for Opening Statements, Order of Witnesses and

Order of Cross-Examination submitted by the Staff of the Missouri Public Service Commission on behalf of all of the parties is adopted. The list of issues is adopted with the caveat that the parties' framing of the issues may not accurately reflect the material issues to this matter under the applicable statutes and rules.

2. The ancillary issue regarding the provision of safe and adequate service is adopted.

3. This order shall become effective on October 10, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10th day of October, 2007.