

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 27th day of
June, 2012.

In the Matter of the Application of Summit)
Natural Gas of Missouri, Inc., for a Certificate)
of Convenience and Necessity Authorizing it to)
Construct, Install, Own, Operate, Control,)
Manage and Maintain a Distribution System to)
Provide Gas Service in Benton, Morgan,)
Camden and Miller Counties in Missouri, as a)
Certificated Area)

File No. GA-2012-0285

**ORDER GRANTING APPLICATION
TO INTERVENE**

Issue Date: June 27, 2012

Effective Date: June 27, 2012

On March 2, 2012, Summit Natural Gas of Missouri, Inc. filed an application seeking a Certificate of Convenience and Necessity as described in the above caption. The Commission issued a notice of the application and set an intervention deadline of April 5. The Commission received no applications to intervene. On June 1, the Staff of the Commission filed a recommendation to approve Summit's application. However, on June 4, Michaelae McDuffey, an individual, filed an application to intervene. On June 7, Summit filed its opposition to the application.

For her application, McDuffey states that she seeks intervention because according to Summit's application, the company will use a 6" steel main line to serve the certificated area and that line will lie on property owned by McDuffey. McDuffey, however, does not state whether she supports or opposes the application. With regard to McDuffey

requesting intervention well out of time, she states that she was not made aware of the application until Summit sent her a letter postmarked May 10, 2012.

For its response, Summit states that given the timing of McDuffey's application to intervene, if the Commission grants intervention the application process would be greatly extended; which would likely cause Summit to miss an entire construction season, adding further expense to what is already a \$90 million project. Further, the company asserts that although McDuffey's interest is personal to her, it does not address the public interest which it to bring an alternative fuel source to about 5,000 Missouri customers. Finally, because: (1) a utility has the right to place its necessary lines anywhere within the certificate area; (2) it is common for the placement of lines to change during the construction phase; and (3) it would be impractical for the Commission to regulate the routes of the lines, Summit argues that it is not clear that McDuffey's interest will be affected by a final decision in this case.

Commission rule 4 CSR 240-2.075 (3) states that the Commission may grant an application to intervene if the proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case or that granting intervention would serve the public interest.

McDuffey states that according to Summit's application, the proposed pipeline will traverse her property; that being so, her interest is different from that of the general public and is not represented in the case. Also, it necessarily follows that if the Commission grants Summit a certificate, the company will construct a pipeline. And, if the company builds a pipeline, it may traverse McDuffey's property.

Finding that McDuffey has an interest which is different from that of the general public, which may be adversely affected by a Commission order arising from this case, the

Commission will grant intervention to McDuffey. Due to the status of this case, the Commission will immediately set this matter for a prehearing conference to avoid any undue delay.

THE COMMISSION ORDERS THAT:

1. The application to intervene, filed by Michael McDuffey is granted.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC., concur.

Jones, Senior Regulatory Law Judge