

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)
Summit Natural Gas of Missouri, Inc., for)
Permission and Approval if a Certificate)
of Convenience and Necessity to)
Construct, Install, Own, Operate, Maintain) Case No. GA-2017-0016
and Otherwise Control and manage a)
Natural Gas System to Provide Gas)
Service in Various Counties as an)
Expansion of its Existing Certificated)
Territory.)

**PUBLIC COUNSEL’S REQUEST
FOR EXTENSION OF TIME TO RESPOND TO FILING OF
NON-UNANIMOUS STIPULATION AND AGREEMENT**

COMES NOW the Office of the Public Counsel (“OPC”) and for its Request for Extension of Time to Respond to the Filing of a Non-Unanimous Stipulation and Agreement between Commission Staff (“Staff”) and Summit Natural Gas of Missouri (“Summit”) states:

1. In accord with Section 386.700 RSMo and Commission rule 4 CSR 240-2.040, the OPC represents consumers in all utility proceedings before the Commission.
2. On July 15, 2016, Summit filed its Application for a Certificate of Convenience and Necessity (“CCN”) to construct a natural gas system in Barry Daviess, Laclede, Lawrence, Pettis, Stone, Taney and Webster Counties; all in Missouri.
3. After filing two Status Reports in lieu of a Recommendation, Staff filed its Staff Report and Recommendation (Report) on October 13.
4. In its Staff Report and Investigation (“Report”), Staff noted: “During Staff’s investigation, Summit disclosed that it has been serving one hundred and fifty-five (155) gas

utility service customers residing outside of Summit's certificated areas and Summit failed to obtain Commission approval in advance of construction in violation of statutes." (Report pp. 2).

5. Staff and Summit attached a Partial Stipulation and Agreement to Staff's Report ("Report Attachment B") in which they make the claim that Summit's application for a CCN would correct this error and "lawfully" incorporate these customers into Summit's certificated service area. However, OPC was contacted by neither party during the negotiation period and only learned of the Partial Stipulation and Agreement after the fact.

6. OPC is reviewing this claim in light of both statutes and case law governing CCN's and the utility's obligations to obtain Commission permission to build certain infrastructure before beginning construction.

7. In this filing Public Counsel makes no accusations of improper conduct and does not question the Company's assertions it did not knowingly violate statutes or case law yet reserves that right.

8. Nevertheless, in the Stipulation, Summit admits it has constructed and installed gas plant (Stipulation pp. 3) and served and billed customers that are located outside the boundary of its currently "certificated area in violation of statutes."

9. OPC requests an extension of time to review all the case documents and to engage in discussions with Staff and the Company about the provisions of the Stipulation.

10. WHEREFORE, the Office of the Public Counsel respectfully requests an extension until December 14, 2016 to file its Response to Staff's Report and the attached Partial Stipulation and Agreement.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 23rd day of November 2016:

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