

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

In the matter of the application of Missouri Gas        )  
Utility, Inc., for a certificate of convenience and        )  
necessity authorizing it to construct, install, own,        )  
operate, control, manage and maintain a natural        )  
gas distribution system to provide gas service in        )  
Pettis and Benton Counties, Missouri, as a new        )  
certificated area.    )

Case No. \_\_\_\_\_

**APPLICATION**

COMES NOW Missouri Gas Utility, Inc. (“MGU” or “Applicant”), by and through its counsel, and as its Application pursuant to §393.170, RSMo (2000), 4 CSR 240-2.060 and 4 CSR 240-3.205, for a certificate of convenience and necessity (“CCN”) for a gas transmission line and a service area, respectfully states as follows:

1. Applicant is Missouri Gas Utility, Inc. MGU’s principal office is located at 7810 Shaffer Parkway, Suite 120, Littleton, CO 80127.

2. MGU is a corporation duly incorporated under the laws of the State of Colorado. A copy of a certificate from the Missouri Secretary of State that MGU is authorized to do business in Missouri as a foreign corporation was submitted in Case No. GA-2007-0421 and is incorporated by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(G). Other than cases that have been docketed at the Commission, MGU has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three (3) years that involve customer service or rates. MGU has no annual report or assessment fees that are overdue.

3. MGU conducts the business of a “gas corporation” and provides natural gas service in the Missouri counties of Harrison, Daviess and Caldwell, Pettis, and Benton, subject to the jurisdiction of the Missouri Public Service Commission (“Commission”).

4. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and:

Tim Johnston, P.E.  
Executive Vice President and Chief Operating Officer  
Missouri Gas Utility, Inc.  
7810 Shaffer Parkway, Suite 120  
Littleton, CO 80127  
Telephone: (800) 927-0787  
Facsimile: (303) 979-7892  
Email: [tjohnston@SummitUtilitiesInc.com](mailto:tjohnston@SummitUtilitiesInc.com)

and

Michelle A. Moorman  
Manager of Regulatory Affairs  
7810 Shaffer Parkway, Suite 120  
Littleton, CO 80127  
Telephone: (800) 927-0787  
Facsimile: (303) 979-7892  
Email: [mmoorman@SummitUtilitiesInc.com](mailto:mmoorman@SummitUtilitiesInc.com)

### **SUMMARY**

5. MGU proposes to install a natural gas distribution system to provide natural gas sales and transportation service in Pettis and Benton Counties. Two sites were selected; the first includes Sections 26, 27, 33-35 in Township 44 N, Range 23 W in Pettis County and Section 3, 4, and the eastern half of Section 5 in Township 43 N, Range 23 W in Benton County. This is an area where MGU currently does not hold a certificate for natural gas service from the Commission.

### **AREA CERTIFICATE**

6. All sections identified in this filing will be served by 4" HDPE or 2" HDPE taps off of existing MGU lines within the certificate approved in Docket No. GA-2009-0264. The lines in all sections follow utility right-of-ways or county or MODOT roads. No other easements are necessary at this time.

7. For the areas described above, MGU requests an order from the Commission granting it a certificate of convenience and necessity in the sections immediately on both sides of the line where it lays along a section line, and in the section through which the line lays. Appendix A shows several sections along the route of the mainline that are requested in order to maintain a contiguous service territory and because MGU has determined that potential commercial or residential customers exist within these sections in sufficient quantity to justify building and operating a line to provide service. MGU stands ready, if necessary, to serve any potential customers in these sections, under the terms of its Main Extension tariff, as set forth on Sheets 72 – 76. In addition, MGU already has a certificate from the Commission to currently serve areas adjacent to all requested areas in both Pettis and Benton Counties, as shown in Appendix A.

8. The legal description of the area to be certificated in Pettis County is as follows:

Sections 26, 27, 33-35 in Township 44 N, Range 23 W

The legal description of the area to be certificated in Benton County is as follows:

Section 3, 4, and the eastern half of Section 5 in Township 43 N, Range 23 W

### **PROJECT INFORMATION**

9. The proposed service area is shown (identified as “Filing 2”) on the map attached hereto as Appendix A.

10. Attached hereto and marked as Appendix B is a feasibility study containing a description of the plans and specifications for the project, to include the estimated cost of construction and an estimate of the number of customers, revenues and expenses during the first three years of operations. The rates for the proposed sections will be those approved in Docket No. GA-2009-0264 and are as follows:

<b>Rate Description</b>	<b>Rate</b>
GS Class Customer Charge	\$15.00/month
GS Class Commodity Charge	\$0.550/CCF
CS Class Customer Charge	\$30.00/month
CS Class Commodity Charge	\$0.600/CCF
LVS Class Customer Charge	\$100.00/month
LVS Class Commodity Charge	\$0.600/CCF
TS Class Customer Charge	\$200.00/month
TS Class Commodity Charge	\$0.600/CCF

11. MGU intends to finance this project by issuing indebtedness, as evidenced by a mortgage and security agreement that will secure said indebtedness, and MGU will seek Commission approval for this financing through a separate application. It is MGU's intent to file that application with the Commission by May 15, 2010.

12. Construction methods will follow MGU's customary standards and the rules of the Commission. MGU plans to use the general terms and conditions of service found in MGU's currently approved tariffs, as supplemented by the rates described above.

13. Attached hereto and marked as Appendix C is a list of ten persons who reside, or own land, within the proposed service area.

14. MGU has begun seeking commitments from potential customers in the areas contained within the CCN requested in this filing. Such commitments are clearly conditioned upon MGU's receipt of the requested certificates.

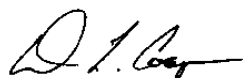
15. The Applicant will not require any additional franchises or permits from municipalities, counties, or other authorities in connection with the proposed construction for this

filing other than the usual and customary state highway, railroad and county road permits, which will be obtained prior to construction.

16. The area in which MGU is seeking to be certificated hereby is already developed. Service from a natural gas supplier is not available in this area at the present time. MGU has the ability to provide service in this area by construction of new facilities and MGU believes that potential new customers should be afforded the opportunity to take service from MGU if they so desire. These facts support a finding that a grant of this application is required by the public convenience and necessity.

WHEREFORE, Applicant requests an order from the Commission granting it a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain a gas transmission line and a distribution system for the provision of natural gas service to the public pursuant to the proposed rates, and approved rules and regulations, in the Sections listed above in Pettis and Benton Counties, in the State of Missouri.

Respectfully submitted,



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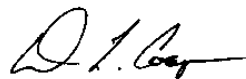
Attorneys for Missouri Gas Utility, Inc.

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to the following counsel this 19<sup>th</sup> day of April, 2010:

Office of the General Counsel  
Missouri Public Service Commission  
Governor State Office Building  
Jefferson City, Missouri 65101

Office of the Public Counsel  
Governor State Office Building  
Jefferson City, Missouri 65101

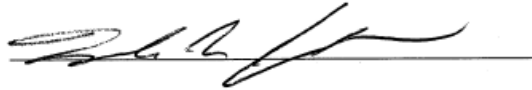


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**VERIFICATION**

STATE OF COLORADO     )  
  )ss  
COUNTY OF Jefferson     )

I, Timothy R. Johnston, state that I am the Executive Vice President of Missouri Gas Utility, Inc. (MGU); that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of MGU.



Subscribed and sworn to before me this 18th day of April, 2010.

  
\_\_\_\_\_  
Heather Ross, Notary Public

