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PROFESSIONAL CORPORATION

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June 16, 2000

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 3660  
Jefferson City, Missouri 65102

RE: *Fidelity Natural Gas, Inc.*  
Case No. GE-2000- 826

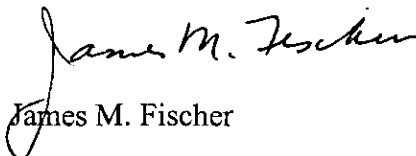
FILED<sup>2</sup>  
JUN 16 2000  
Missouri Public  
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and eight (8) copies of the Exemption Filing of Fidelity Natural Gas, Inc. requesting an exemption from 4 CSR 240-40.017(8). A copy of the attached document has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,

  
James M. Fischer

/jr  
Enclosures

cc: Office of the Public Counsel  
Tom Imhoff

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

FILED<sup>2</sup>

JUN 16 2000

Missouri Public  
Service Commission

In the matter of Fidelity Natural Gas, Inc.'s )  
filing pursuant to 4 CSR 240-40.017(8) )

Case No. 6E-2000-826

**EXEMPTION FILING OF FIDELITY NATURAL GAS, INC.**

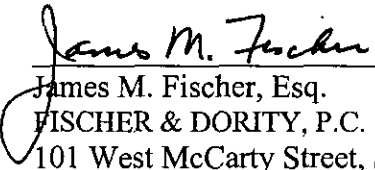
COMES NOW Fidelity Natural Gas, Inc. ("FNG" or "Company") and in support of its Exemption Filing pursuant to 4 CSR 240-40.017(8), states as follows:

1. FNG is a public utility and gas corporation operating in the State of Missouri and is thereby subject to the Commission's regulatory jurisdiction.
2. Under the HVAC Services Act (*See* Sections 386.754 to 386.764, RSMo (Cum. Supp. 1998)), a gas, electric or steam heating utility may not provide certain services relating to heating, ventilating and air conditioning equipment ("HVAC Services") unless it provides such services through an affiliate. Subsection 7 of Section 386.756 of the Act, however, establishes a statutory exemption to this general requirement. Specifically, that subsection permits the utility itself to continue providing such HVAC Services so long as the utility provided the same type of HVAC Services five (5) years prior to August 28, 1998.
3. FNG is currently engaged in activities that qualify as HVAC Services under the Act. These activities include the sale, installation, maintenance and/or repair of gas-fired furnaces, space heaters, water heaters and related equipment. FNG has provided these HVAC Services since its inception in 1992 and predates August 28, 1993.
4. In view of these considerations, FNG submits that it fully qualifies for the statutory exemption set forth in subsection 7 of Section 386.756, RSMo, by virtue of the fact that it has been providing its current HVAC Services for a period that includes and predate the five-year period

ending August 28, 1998. In accordance with 4 CSR 240-40.017(8), FNG therefore requests the Commission to issue any necessary orders or approvals recognizing and finding that the Company qualifies for such statutory exemption.

WHEREFORE, for the foregoing reasons, Fidelity Natural Gas, Inc. respectfully requests the Commission to issue any necessary orders or approvals recognizing and finding that the Company qualifies for the statutory exemption set forth in subsection 7 of Section 386.756, RSMo (Cum. Supp. 1998).

Respectfully submitted,

  
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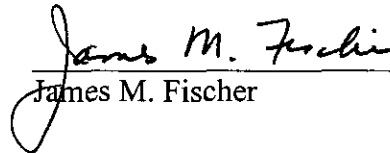
Attorney for Fidelity Natural Gas, Inc.

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, First Class, postage prepaid, this 16<sup>th</sup> day of June, 2000 to:

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City MO 65102

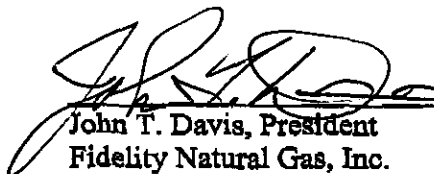
Dana K. Joyce  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City MO 65102

  
James M. Fischer


## VERIFICATION

STATE OF MISSOURI           )  
                                  ) ss.  
COUNTY OF FRANKLIN       )

John T. Davis, being first duly sworn, on his oath and in his capacity as President of Fidelity Natural Gas, Inc., states that he is authorized to execute on behalf of Fidelity Natural Gas, Inc. this Exemption Filing, and has knowledge of the matters stated in this Exemption Filing, and that said matters are true and correct to the best of his knowledge and belief.

  
John T. Davis, President  
Fidelity Natural Gas, Inc.

Subscribed and sworn to before me this 15 day of June 2000.

  
Notary Public

My Commission Expires:

ELAINE JOSLIN  
NOTARY PUBLIC, STATE OF MISSOURI  
FRANKLIN COUNTY  
MY COMMISSION EXPIRES 2/21/2003