

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

Staff of the Missouri Public Service Commission )

Complainant, )

v. )

Sendero SMGC LP Acquisition Company and )  
Sendero SMGC GP Acquisition Company, d/b/a )  
Southern Missouri Gas Company, L.P., )

Respondents. )

**Case No. GC-2006-0182**

**ORDER SCHEDULING CONFERENCE**

Issue Date: January 17, 2006

Effective Date: January 17, 2006

On October 21, 2005, the Staff of the Commission filed a complaint against Sendero SMGC LP Acquisition Company and Sendero SMGC GP Acquisition Company, d/b/a Southern Missouri Gas Company. Staff's complaint alleged that Sendero violated an order of the Commission by failing to hire an experienced local general manager for Southern Missouri Gas in a timely manner.

The complaint alleged that a stipulation and agreement filed in Case No. GM-2005-0136 – the case in which the Commission approved Sendero's acquisition of Southern Missouri Gas – required Sendero to hire a "qualified full-time local general manager who will be directly responsible for the day-to-day operations of the company within three (3) months of the closing of the transaction." The Commission approved that stipulation and

agreement on April 6, 2005, and the transaction closed in May of 2005. At the time Staff filed its complaint, Sendero had not yet hired the required general manager.

After Staff filed its complaint, Southern Missouri Gas filed a Notice of Satisfaction indicating that it hired a qualified full-time general manager on October 31. For that reason, it asks the Commission to acknowledge the satisfaction of the complaint and to close the case.

On December 14, Staff filed a response to Southern Missouri Gas' Notice of Satisfaction. Staff acknowledges that Southern Missouri Gas hired a general manager on October 31, and indicates that it is satisfied that Southern Missouri Gas has now complied with the provisions of the stipulation and agreement. Staff asks that its complaint be dismissed.

The Commission is puzzled by Staff's position. Southern Missouri Gas' response to Staff's complaint indicates that it did not hire a general manager until October 31, which is at least five months after Sendero purchased the company and two months after the agreed upon deadline for the hiring of a general manager. Rather than a demonstration that the complaint has been satisfied, Southern Missouri Gas' response could be seen as an admission of a violation of the terms of the stipulation and the Commission's order approving that stipulation.

It may be that Southern Missouri Gas failure to hire a general manager within three months, as it was ordered to do, is excused by circumstances. It may also be that the delay in hiring a general manager did not harm the company or its customers. For those reasons, perhaps, no penalty is appropriate. But there is no explanation in the record about the circumstances of Southern Missouri Gas' failure to hire a general manager within the

ordered time. Until it receives an explanation, the Commission is not willing to have this complaint dismissed.

So that it can gather more information about this complaint, the Commission will schedule a prehearing conference.

**IT IS THEREFORE ORDERED:**

1. That a prehearing conference will be held on February 14, 2006, at 10:00 a.m., at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, Room 305. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this conference, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the conference.

2. That this order shall become effective on January 17, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17th day of January, 2006.