

In the Matter of the Application of Ozark Energy Partners, LLC for a Certificate of Convenience and Necessity to Construct and Operate an Intrastate Natural Gas Pipeline and Gas Utility to Serve Portions of the Missouri Counties of Christian, Stone and Taney, and for Establishment of Utility Rates )  
)  
)  
)  
) **Case No. GA-2006-0561**  
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)

<sup>2</sup> Commission Case No. GA-2007-0168, in which Ozark was an intervenor.

intervenor.<sup>3</sup> On March 27, 2008, the Commission convened what was scheduled to be an evidentiary hearing for Southern Missouri's financing case. However, because Southern Missouri and Ozark entered into a Stipulation and Agreement, the Commission took statements and asked questions concerning that agreement. During the course of the hearing, Ozark represented that it no longer seeks the above-captioned certificate.<sup>4</sup>

If the Commission does nothing, then Ozark's certificate will become null and void in two years.<sup>5</sup> Ozark has stated that it no longer intends to pursue a certificate. Further, the company has not requested Commission approval for financing and joined Southern Missouri in its effort to serve the areas that were the subject of Ozark's application.<sup>6</sup> Finally, on June 24, the Commission granted to Southern Missouri a certificate to serve the areas Ozark first sought to serve.<sup>7</sup> In light of these facts, the Commission will require Ozark to file a pleading stating why its conditional certificate should not be cancelled.

If Ozark fails to respond to this Commission order, the Commission may proceed to cancel Ozark's certificate.

**IT IS ORDERED THAT:**

1. Ozark Energy Partners, LLC, shall file no later than July 12, 2008, a pleading stating why the conditional certificate of convenience and necessity issued to the company by the Missouri Public Service Commission should not be cancelled.

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<sup>3</sup> Commission Case No. GF-2007-0215.

<sup>4</sup> Commission Case No GF-2007-0215; Tr. page 40, lines 6-8.

<sup>5</sup> Section 393.170.3 RSMo. 2000.

<sup>6</sup> Case No. GF-2007-0215 *Order Approving Stipulation and Agreement*, issued April 17, 2008.

<sup>7</sup> Case No. GA-2007-0168 *Second Report and Order*, issued June 24, 2008.

2. This order shall become effective on July 2, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 2nd day of July, 2008.