

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 4th day of  
December, 2007.

In the Matter of the Application of Southern Missouri Gas )  
Company, L.P., d/b/a Southern Missouri Natural Gas, )  
for a Certificate of Public Convenience and Necessity ) **Case No. GA-2007-0212**  
Authorizing It to Construct, Install, Own, Operate, Control, )  
Manage, and Maintain a Natural Gas Distribution System )  
to Provide Gas Service in Lebanon, Missouri. )

In the Matter of the Application of Southern Missouri Gas )  
Company, L.P. d/b/a Southern Missouri Natural Gas, for )  
Authority to Issue Approximately \$10 Million in Equity ) **Case No. GF-2007-0215**  
Capital and Approximately \$50 Million In Notes and Other )  
Forms of Indebtedness. )

In the Matter of the Application of Southern Missouri Gas )  
Company, L.P., d/b/a Southern Missouri Natural Gas, )  
for a Certificate of Public Convenience and Necessity )  
Authorizing It to Construct, Install, Own, Operate, Control, ) **Case No. GA-2007-0310**  
Manage, and Maintain a Natural Gas Distribution System )  
to Provide Gas Service in Houston, Licking, and )  
Mountain View, Missouri. )

**ORDER DENYING MOTION TO DISMISS, DENYING MOTION TO  
CONSOLIDATE, SEPARATING CASE NO. GF-2007-0215,  
AND GRANTING INTERVENTION**

Issue Date: December 4, 2007

Effective Date: December 14, 2007

On November 14, 2007, Ozark Energy Partners, LLC, filed a Motion to Consolidate Cases, Grant Late Application to Intervene of Ozark Energy Partners, LLC, or Order New Filing. In that motion, Ozark requests that the Commission consolidate Case No. GA-2007-0212 with Case No. GA-2007-0168 or in the alternative direct Southern

Missouri Natural Gas Company, L.P., d/b/a Southern Missouri Natural Gas, to file the financing portion of its currently pending cases, in a new case file. Ozark also requested that it be granted intervention in Case No. GA-2007-0212, *et al.*

Case No. GA-2007-0168 is SMNG's application for a certificate of convenience and necessity in the Branson area in which Ozark has previously been granted intervention.<sup>1</sup> Case No. GA-2007-0212 is a group of consolidated cases<sup>2</sup> in which SMNG has been granted certificates of convenience and necessity in the Houston, Licking, and Lebanon areas conditioned on SMNG receiving financing that is approved by the Commission pursuant to its application originally filed in Case No. GF-2007-0215. On September 24, 2007, SMNG filed its First Amended Application amending the financing portion of the cases, GF-2007-0215, to include not only Lebanon, Houston and Licking, but also, Branson, Hollister, and Branson West.

The motion to consolidate GA-2007-0212 with GA-2007-0168 was previously denied during the course of the hearing in Case No. GA-2007-0168. The Commission will again deny that motion. The certificates in GA-2007-0212 have been conditionally granted and are complete with the exception of the financing. Thus, there is no reason to allow an intervention in those matters at this late date. However, the financing action is still pending and SMNG has inserted the issue of financing in the Branson area into the financing case. Ozark has shown through its intervention in Case No. GA-2007-0168 and in its motion in this case that it has an interest in the financing application. Therefore, the Commission

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<sup>1</sup> In addition, Case No. GA-2006-0561 is Ozark's application for a certificate of convenience and necessity also in the Branson-area in which SMNG has been granted intervention.

<sup>2</sup> Case Nos. GA-2007-0212, GA-2007-310, and GF-2007-0215.

determines that the financing case, Case No. GF-2007-0215, should no longer be consolidated with Case No. GA-2007-0212 and Case No. GA-2007-0310.

In addition to separating Case No. GF-2007-0215, the Commission finds that Ozark has shown it has an interest in that case that is different from that of the general public and that Ozark should be granted intervention. Furthermore, because of the unusual procedural status of these matters, Ozark has shown good cause to be granted leave to intervene out of time.

On September 25, 2007, the Staff of the Missouri Public Service Commission filed a Motion to Dismiss or in the Alternative to Suspend requesting that the Commission dismiss or suspend the financing application until SMNG filed all the necessary information required to review its application. Because the Commission will take no action on the financing application until it is complete, the proceedings are in essence suspended without the need of a Commission order. The motion to dismiss is denied.

**IT IS ORDERED THAT:**

1. Case No. GF-2007-0215 is separated from its previous consolidation with Case No. GA-2007-0212 and GA-2007-0310.
2. Ozark Energy Partners, LLC, is granted leave to intervene out of time and shall be made a party to Case No. GF-2007-0215.
3. The motion to consolidate cases filed by Ozark Energy Partners, LLC, on November 14, 2007, is denied.
4. The motion to dismiss or suspend filed by the Staff of the Missouri Public Service Commission on September 25, 2007, is denied.

5. This order shall become effective on December 14, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale'.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Clayton,  
Appling, and Jarrett, CC., Concur.

Dippell, Deputy Chief Regulatory Law Judge