

1
2
3
4 STATE OF MISSOURI
5 PUBLIC SERVICE COMMISSION
6

7
8 IN THE MATTER OF THE APPLICATION OF OZARK ENERGY
9 PARTNERS, LLC FOR A CERTIFICATE OF CONVENIENCE AND
10 NECESSITY TO CONSTRUCT AND OPERATE AN INTRASTATE NATURAL
11 GAS PIPELINE AND GAS UTILITY TO SERVE PORTIONS OF THE
12 MISSOURI COUNTIES OF CHRISTIAN, STONE AND TANNEY, AND FOR
13 ESTABLISHMENT OF UTILITY RATES

14 Case No. GA-2006-0561
15

16 TRANSCRIPT OF PROCEEDINGS
17

18 PREHEARING CONFERENCE
19

20 VOLUME 1
21

22 NOVEMBER 16, 2006
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

November 16, 2006

Jefferson City, Missouri

Volume 1

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) Case No. GA-2006-0561
Pipeline and Gas Utility to Serve)
Portions of the Missouri Counties)
of Christian, Stone and Taney,)
and for Establishment of Utility)
Rates.)

KENNARD L. JONES, Presiding,
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

Patricia A. Stewart
RMR, RPR, CCR
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65109
(573) 636-7551

1 APPEARANCES:

2

FOR OZARK ENERGY PARTNERS, LLC:

3

William D. Steinmeier, Attorney at Law

4

William D. Steinmeier, P.C.

2031 Tower Drive

5

Jefferson City, Missouri 65109

(573) 636-2305

6

7

FOR ALLIANCE GAS ENERGY CORPORATION:

8

Larry W. Dority, Attorney at Law

Fischer & Dority, P.C.

9

101 Madison, Suite 400

Jefferson City, Missouri 65101

10

(573) 636-6758

11

FOR MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION

12

COMPANY:

13

Dean L. Cooper, Attorney at Law

Brydon, Swearngen and England

14

312 East Capitol Avenue

Jefferson City, Missouri 65101

15

(573) 635-7166

16

FOR OFFICE OF THE PUBLIC COUNSEL:

17

David Meyer, Senior Counsel

18

P. O. Box 2230

Jefferson City, Missouri 65102

19

(573) 751-5559

20

FOR STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:

21

Marc D. Poston, Senior Counsel

22

P. O. Box 360

Jefferson City, Missouri 65101

23

(573) 651-8702

24

25

1 P R O C E E D I N G S

2 JUDGE JONES: We are on the record in
3 Case No. GA-2006-0561. It's the application of Ozark
4 Energy Partners LLC for a certificate of public
5 convenience and necessity to construct and operate an
6 intrastate natural gas pipeline and gas utility to serve
7 portions of the Missouri counties of Christian, Stone and
8 Taney Counties and for the establishment of utility
9 rates.

10 My name is Kennard Jones. I'm the
11 regulatory law judge presiding over this matter.

12 At this time we'll take entries of
13 appearance, beginning with Ozark Energy.

14 MR. STEINMEIER: Thank you, Your Honor.

15 Please let the record reflect the appearance
16 of William D. Steinmeier and Mary Ann Garr Young of
17 William D. Steinmeier, P.C., Post Office Box 104595,
18 Jefferson City, Missouri 65101, appearing on behalf of
19 the Applicant Ozark Energy Partners LLC.

20 JUDGE JONES: And from the Staff of the
21 Commission.

22 MR. MEYER: David Meyer on behalf of the
23 Staff of the Public Service Commission. Our address is
24 P. O. Box 360, Jefferson City, Missouri 65102.

25 JUDGE JONES: The Office of Public Counsel.

1 MR. POSTON: Marc Poston appearing today on
2 behalf of the Office of Public Counsel and the public.

3 JUDGE JONES: Alliance Gas Energy Partners
4 Corporation.

5 MR. DORITY: Your Honor, appearing on behalf
6 of Alliance Energy Gas Corporation, Larry W. DORITY with
7 the firm of Fischer & DORITY, P.C. Our address is
8 101 Madison, Suite 400, Jefferson City, Missouri 65101.

9 JUDGE JONES: Missouri Gas Energy.

10 MR. COOPER: Dean Cooper from the law firm
11 of Brydon, Swearingen and England, P.C., P. O. Box 456,
12 Jefferson City, Missouri 65102, appearing on behalf of
13 Missouri Gas Energy, a division of Southern Union
14 Company.

15 JUDGE JONES: And Southern Star Central Gas
16 Pipeline.

17 Anybody here?

18 Not really interested, huh?

19 Okay. Is there anything that needs to be
20 discussed on the record? Anything preliminary that
21 you-all need to talk about?

22 MR. MEYER: Your Honor, I gather that this
23 proceeding will probably result in a direction to file a
24 procedural schedule --

25 JUDGE JONES: If that's necessary.

1 MR. MEYER: -- or proposed procedural
2 schedule. What Staff is at this point contemplating
3 is -- and perhaps you're not aware of this. There is
4 another application pending to provide gas service in a
5 similar territory.

6 Neither this application or the other
7 application actually contain the metes and bounds
8 description, but Case GA-2007-0168, which is assigned to
9 Judge Lane, I believe, is recently filed. The
10 intervention date in that case hasn't yet transpired.

11 That case was filed by Alliance Gas Energy
12 Partners, who, of course, is a party to this case. Staff
13 was contemplating filing a motion to consolidate this
14 case and that case at some point after the motion --
15 after the intervention time has passed.

16 So we would propose, or suggest, that
17 perhaps a procedural schedule be developed and filed in
18 this case sometime after the Commission has had the
19 opportunity to review a motion to -- a motion to
20 consolidate these two cases as a potential proposal for
21 how this case might proceed.

22 JUDGE JONES: Okay.

23 MR. DORITY: I would just point out, Your
24 Honor -- Larry DORITY on behalf of Alliance Gas Energy
25 Corporation -- it's my understanding that we would be in

1 opposition to a consolidation of the two matters, but if
2 Mr. Meyer files his motion, we will react to it
3 appropriately.

4 JUDGE JONES: That's fine. The Commission
5 will act on whatever pleadings you-all file.

6 Is there anything else you-all need to
7 discuss?

8 Now, you say -- does that mean -- this
9 168 case, does that mean it's going to have some effect
10 on your-all's discussions today from Staff's point of
11 view?

12 MR. MEYER: I'm not sure. I'm not sure. I
13 mean, our concern is, of course, that their certificate
14 application is pending for the same territory. So it may
15 or may not affect how this goes.

16 But at this point, until the other case's
17 intervention deadline passes and we can see if it has the
18 same parties in it, we can't.

19 JUDGE JONES: You say they're for the same
20 territories. I thought you said earlier there wasn't a
21 description.

22 MR. MEYER: There isn't a specific
23 description. There is a general description. I think
24 one application says the Branson area and a couple
25 communities around Branson. The other description is

1 also vague but says Branson and some other communities
2 around Branson. There isn't 100 percent overlap but they
3 do overlap.

4 JUDGE JONES: Okay. So does the Staff have
5 anything to talk about with the parties today in light of
6 this -- the intervention period not having passed or the
7 consolidation not being --

8 MR. MEYER: In this case we do some have
9 things to talk about with the parties, but I would ask
10 that we not be directed to file a procedural schedule
11 until it's a little bit clearer where this case might go.

12 JUDGE JONES: I won't direct you to do that
13 until it's obvious we're going to have to have a hearing.

14 Mr. Steinmeier, did you have anything you
15 wanted to add?

16 MR. STEINMEIER: I was just going to say
17 that since there is no motion pending for consolidation,
18 we haven't responded and are not in a position to take a
19 position on that issue today.

20 We would be concerned about slowing down the
21 processing of our application in order to consolidate it
22 with one filed later, but that's something that we
23 will -- I'm sure we'll talk about among the parties. And
24 if we need to bring something to the Commission on that
25 subject, we all know how to do that.

1 JUDGE JONES: Okay.

2 Mr. Meyer, do you have any idea when the
3 intervention period for this other case runs?

4 MR. MEYER: I believe it's December 4th.

5 And I think we probably will, but if we do
6 file a motion to consolidate, it would be -- or we can
7 commit to doing it by the 6th of December.

8 JUDGE JONES: Mr. Steinmeier, is that okay
9 with you, in light of the fact that you want to move this
10 along?

11 MR. STEINMEIER: Do I have to tell you today
12 if that's all right with me?

13 There is actually nothing pending, and I
14 don't know the answer to your question.

15 JUDGE JONES: Well, when I say --

16 MR. STEINMEIER: I need to think about it a
17 little bit.

18 JUDGE JONES: All right. That's fine. All
19 right.

20 As I'll usually do in these prehearing
21 conferences, I'll leave you-all to talk about these
22 things and whatever gets filed gets filed and the
23 Commission will respond to it as soon as possible.

24 All right. Anything else anyone wants to
25 discuss?

1 With that, then, we'll go off the record.

2 MR. STEINMEIER: Thank you, Your Honor.

3 WHEREUPON, the on-the-record portion of the
4 Prehearing Conference was concluded.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25