

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Missouri Gas Energy for the Issuance of an)
Accounting Authority Order Relating to its)
Natural Gas Operations and for a)
Contingent Waiver of the Notice)
Requirement of 4 CSR 240-4.020(2))

File No. GU-2011-0392

NOTICE OF CONTESTED CASE

Issue Date: September 20, 2011

Effective Date: September 20, 2011

The Missouri Public Service Commission is issuing notice of a contested case. Southern Union Company d/b/a Missouri Gas Energy (“MGE”) filed the application on June 6, 2011. Staff filed its recommendation on August 19, 2011. On September 16, 2011, MGE filed a response. The application seeks an accounting authority order to preserve certain items for consideration in a future rate action. Staff’s recommendation includes a partial denial of the application. MGE’s response protests partial denial of the application.

The application’s allegations suggest that the items at issue constitute a property right subject to protection under the due process of law, which includes an opportunity for hearing in a meaningful manner and time.¹ A meaningful manner and time means an evidentiary hearing before the decision.² The necessity of a pre-decision, evidentiary hearing makes this action a “contested case.”³

A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁴ and a decision without a hearing,⁵ including by stipulation and

¹ *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

² *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007).

³ Section 536.010(4), RSMo Supp. 2008.

⁴ Sections 536.060(3) and 536.063(3), RSMo 2000.

agreement.⁶ The Commission's discovery regulations are at 4 CSR 240-2.090. This notice requires no written answer from any party.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of September, 2011.

⁵ Sections 536.060, RSMo 2000.

⁶ 4 CSR 240-2.115.