

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

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

**STATUS REPORT AND WITHDRAWAL OF MOTION TO CONSOLIDATE**

**COMES NOW** the Staff of the Missouri Public Service Commission and as indicated in its *Response to Ozark Energy Partners' Request for Schedule of Proceedings*, provides a status report in this case as follows:

1. On March 2, 2007, Ozark Energy Partners, LLC filed a request for Schedule of Proceedings in this matter. Previously, the company had filed a response in opposition to Staff's *Motion to Consolidate* this matter with Case No. GA-2007-0168.

2. Staff has subsequently engaged in discussions with the company regarding possible modifications to the proposed procedural schedule and also regarding approaches to this proceeding that could address Staff's concerns raised in its *Motion to Consolidate* of February 20, 2007.

3. At this time, Staff notes that all the parties in Case No. GA-2007-0168 (the application of Alliance Gas Energy Corporation to construct, own and operate a natural gas distribution utility to serve portions of Taney and Stone counties) are now parties to this matter.

4. In its *Motion to Consolidate*, Staff indicated its belief that as both cases were in their initial stages, no parties would be prejudiced by consolidation. However, on February 28, 2007, Ozark Energy Partners, LLC provided a substantial portion of the information it did not

file with its initial application. Although Staff is proceeding in its discovery and preparation of its consideration of this matter and not all information has been provided, Staff is now substantially further along in its consideration and the record is more complete in this matter than it is in Alliance Gas Energy Corporation's matter. In its response to Staff's *Motion to Consolidate* of March 2, 2007, Ozark Energy Partners, LLC voiced its concerns that consolidation could have the effect of delaying the Commission's consideration of its case. The company has also requested a procedural schedule to further move the matter forward in its March 2, 2007 *Request for Schedule of Proceedings*.

5. In light of these events, Staff now withdraws its *Motion to Consolidate*. Staff reserves the right to revisit the issue should the circumstances arise where consolidation again appears appropriate.

6. However, rather than issuing a firm procedural schedule at this time, such as that proposed by Ozark Energy Partners, LLC, Staff recommends that the Commission wait to establish a procedural schedule until Ozark Energy Partners, LLC files its Direct Testimony as a single, unified filing. Ozark has now agreed to file its direct case all at one time, rather than the bifurcated direct filing shown in its *Request for Procedural Schedule*. This will avoid the difficulties associated with multiple testimony filings in the same round of testimony. As soon as Ozark files its pre-filed direct testimony, it will submit a revised request for procedural schedule for the Commission's consideration. At that time, Staff and the other parties will have a clearer understanding of what will be required to complete the case in terms of discovery, additional prehearing or settlement conferences, hearings and briefing schedules.

WHEREFORE, Staff requests the Commission consider Ozark Energy Partners, LLC's updated *Request for Procedural Schedule* at such time as it is submitted, after the Direct Testimony has been filed in this case.

Respectfully submitted,

**/s/ David A. Meyer**

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 22<sup>nd</sup> day of March 2007.

**/s/ David A. Meyer**