

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

In the matter of Proposed Emergency	)	
Amendment to Commission	)	Case No. GX-2006-0181
Rule 4 CSR 240-13.055	)	

**PUBLIC COUNSEL'S MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel pursuant to Commission Rule 4 CSR 240-2.080(16) and for its Motion for Expedited Treatment states as follows:

1) Public Counsel petitioned the commission to open the above-captioned case on October 21, 2005.

2) In October 25, 2005, the Commission issued a Notice Opening Case and Opportunity to File Written Comments. The Commission's notice states that "any interested party may file comments on whether a necessity exists such that the commission should pursue the amendments sought in the Petition on or before November 5, 2005."

3) Given the rapidly approaching cold weather period, it is important that the proposed emergency rule, if deemed necessary by the Commission, take effect as early as possible in the cold weather season.

4) The Commission should take notice of the record with respect to the previous emergency amendments to the Cold Weather Rule promulgated in November, 2001. See Record of Case AX-2002-203. In that case:

- the Staff filed a Motion for Finding Necessity for Rulemaking on October 24, 2001;
- the Commission subsequently issued an Order Scheduling a hearing for October 31, 2001;
- the Commission held a hearing on October 31, 2001 at which Staff, Public Counsel and several gas utilities testified;
- the Commission issued an Order Finding Necessity for Rulemaking on November 6, 2001;
- Staff filed the emergency rule with the Secretary of State on November 8, 2001; and
- the emergency rule took effect on November 18, 2001.

(5) Public Counsel believes that the unprecedented residential gas bills predicted to be received by Missouri consumers this winter require that the Commission respond as quickly in 2005 as it did in 2001. By giving this matter additional expedited treatment, the Commission may prevent Missouri residential gas consumers from receiving higher than normal bills that are not covered by the proposed emergency amendment.

(6) Public Counsel believes that the rights of interested parties would be adequately served with an expedited comment period and public hearing on the current rulemaking. Much of the language in this proposed emergency amendment is identical to that considered by the Commission in 2001. Accordingly, it should not be difficult for interested parties who also participated

in the 2001 emergency rulemaking to promptly submit comments on this rulemaking and participate in an expedited public hearing.

(7) Public Counsel received the Commission's Notice Opening Case and Opportunity to File Written Comments on this date, October 25, 2005. Accordingly, this pleading has been filed as soon as it could have been as required by Commission Rule 4 CSR 240-2.080(16)(C).

WHEREFORE, Public Counsel respectfully requests that the Commission immediately: (1) amend its Notice Opening Case and Opportunity to File Written Comments to state that any interested party wishing to file comments should do so on or before October 31, 2005, and (2) issue an order scheduling a public hearing during the week beginning Monday, October 31, 2005 and ending Friday, November 4, 2005 on whether a necessity exists for promulgating an emergency rule.

Respectfully submitted,

Office of the Public Counsel

**/s/ Eric A. Martin**

By: \_\_\_\_\_  
Eric A. Martin (#48783)  
Senior Public Counsel  
PO Box 2230  
Jefferson City, MO 65109  
(573) 751-5558  
(573) 751-5562 FAX  
[eric.martin@ded.mo.gov](mailto:eric.martin@ded.mo.gov)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed, emailed and/or hand delivered this 25<sup>th</sup> day of October 2005 to the attorneys of record.

**/s/ Eric A. Martin**

---

**MISSOURI PUBLIC SERVICE COMMISSION**

**October 25, 2005**

**Case No. GX-2006-0181**

Dana K Joyce  
P.O. Box 360  
200 Madison Street, Suite 800  
Jefferson City, MO 65102

AmerenUE  
Thomas Byrne  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166-6149

Fidelity Natural Gas, Inc.  
James Fischer  
101 Madison--Suite 400  
Jefferson City, MO 65101

Missouri Gas Energy  
Dean Cooper  
312 East Capitol  
P.O. Box 456  
Jefferson City, MO 65102

Aquila Networks-L&P  
1815 Capitol Avenue  
Omaha, NE 68102

Greeley Gas Company  
1301 Pennsylvania St., Ste 800  
Denver, CO 80203

Missouri Gas Energy  
3420 Broadway  
Kansas City, MO 64111

Ozark Natural Gas Co., Inc.  
2580 St. Highway 165  
Branson, MO 65616

Union Electric Company  
P.O. Box 66149, MC 1310  
1901 Chouteau Ave.  
St. Louis, MO 63166

Aquila, Inc.  
Dean Cooper  
312 East Capitol  
P.O. Box 456  
Jefferson City, MO 65102

Kansas City Power & Light Co.  
James Fischer  
101 Madison--Suite 400  
Jefferson City, MO 65101

Southern Missouri Gas Company  
James Fischer  
101 Madison--Suite 400  
Jefferson City, MO 65101

ConocoPhillips Company  
600 N Dairy Ashford  
Houston, TX 77079

Laclede Gas company  
720 Olive Street  
St. Louis, MO 63101

Missouri Gas Utility, Inc.  
P.O. Box 270868  
7810 Shaffer Parkway, Ste 120  
Littleton, CO 80127

Southern Mo. Gas Co., L.P.  
P.O. Box 847  
301 East 17<sup>th</sup> St.  
Mountain Grove, MO 65711

Woodward Marketing, L.L.C.  
11251 NW Expressway #400  
Houston, TX 77092

Atmos Energy Corporation  
James Fischer  
101 Madison Street, Suite 400  
Jefferson City, MO 65101

Laclede Gas Company  
Michael Pendergast  
720 Olive Street, Suite 1520  
St. Louis, MO 63101

Aquila Networks-MPS  
1815 Capitol Avenue  
Omaha, NE 68102

Fidelity Natural Gas, Inc.  
P.O. Box 669  
64 North Clark  
Sullivan, MO 63080

Missouri Gas Company, LLC  
110 Algana Court  
St. Peters, MO 63376

Missouri Pipeline Co., LLC  
110 Algana Court  
St. Peters, MO 63376

Strategic Energy LLC  
Two Gateway Center, 9<sup>th</sup> FL  
Pittsburgh, PA 15222