

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

In the Matter of Missouri Gas Energy's)
Tariffs Increasing Rates for Gas Service)
Provided to Customers in the Company's)
Missouri Service Area.)

Case No. GR-2006-0422

**MOTION TO REJECT THE
MISSOURI GAS ENERGY PREHEARING BRIEF**

COMES NOW the Office of the Public Counsel and for its Motion to Reject the Missouri Gas Energy Prehearing Brief states:

1. On July 13, 2006, the Commission issued its *Order Regarding Procedural Schedule, Test Year and True-Up Hearing*, wherein the Commission ordered the parties to follow specific conditions to be applied to the adopted procedural schedule. One such condition regarding the position statements, or "prehearing briefs," states:

Each party shall file a statement of position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one.

2. On December 18, 2006, the parties filed their position statements, including Missouri Gas Energy (MGE). MGE's filing clearly violates the Commission's order in that it contains extensive argument throughout. At eighty-one (81) pages in length, MGE's filing is anything but "simple and concise." The other parties appear to have followed the Commission's directions, and are clearly prejudiced by MGE's disregard for the Commission's *Order* in that MGE has provide additional argument not provided by the parties that followed the Commission's directive.

3. It should also be noted that the Commission's *Order* limits posthearing briefs to no more than thirty (30) pages in length. Not only has MGE violated the requirement for the prehearing brief, but MGE has effectively provided more than double the argument allowed by the *Order* in posthearing briefs. Again, the other parties are prejudiced by this disregard for the Commission's *Order*.

4. Commission rule 4 CSR 240-2.080(14) states that "Pleadings and briefs which are not in substantial compliance with this rule, applicable statutes or commission orders shall not be accepted for filing."

WHEREFORE, Public Counsel requests that the Commission reject the prehearing brief of MGE.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 19th day of December 2006:

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