

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of )  
Southern Missouri Gas Company, L.P. )  
Request for a Small Company Rate Increase )

**File No. GR-2010-0347**

## NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING

Issue Date: December 16, 2010

Effective Date: December 16, 2010

The Missouri Public Service Commission is giving notice that a contested case has started, and ordering the filing of responsive pleadings and a proposed procedural schedule.

Southern Missouri Gas Company, L.P. ("the utility") filed a letter seeking rate relief on May 21, 2010, initiating this action under 4 CSR 240-3.050 ("the regulation"). On November 17, 2010, Staff filed a disposition agreement signed by Staff and the utility. On December 14, 2010, the Office of Public Counsel ["OPC"] filed *[OPC]'s Response in Opposition to Agreement and Request for Evidentiary Hearing* ("motion").

In the motion, OPC seeks an evidentiary hearing on the disposition agreement. The regulation provides at Section (20):

If the public counsel files a request for an evidentiary hearing, [the] utility's case shall be resolved through contested case procedures [.]

"Shall" signifies a mandate and means "must" in the present tense.<sup>1</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities<sup>2</sup> and a

---

<sup>1</sup> *State ex rel. Scott v. Kirkpatrick*, 484 S.W.2d 161, 164 (Mo. banc 1972).

<sup>2</sup> Sections 536.060(3) and 536.063(3), RSMo 2000.

decision without a hearing,<sup>3</sup> including by stipulation and agreement.<sup>4</sup> The Commission's discovery regulations are at 4 CSR 240-2.090.

The Commission will shorten the time for responses because the motion charges only one issue for hearing: the possibility of an acquisition premium. As to any such allegation of fact, the responses shall admit, deny, or state that the filing party has insufficient information to admit or deny. The Commission will also order a proposed procedural schedule for the evidentiary hearing.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the filing date set forth in this order.

**THE COMMISSION ORDERS THAT:**

1. No later than December 23, 2010, the Commission's staff shall file responses to the *Office of Public Counsel's Response in Opposition to Agreement and Request for Evidentiary Hearing* as described in the body of this order.

2. The parties shall file a proposed procedural schedule no later than December 30, 2010.

---

<sup>3</sup> Sections 536.060, RSMo 2000.

<sup>4</sup> 4 CSR 240-2.115.

3. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', written over a horizontal line.

Steven C. Reed  
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,  
on this 16<sup>th</sup> day of December 2010.