

CT CORPORATION SYSTEM

December 10, 2003

FILED²
DEC 11 2003
Missouri Public
Service Commission

*Dale Hardy Roberts
Secretary/Chief Regulatory
Missouri Public Service Commission
Governor Office Bldg
200 Madison St
Jefferson City MO 65101*

RE: SW ENERGY, Case#GO20040195

Dear Mr. Roberts:

After checking our records and the records of the Secretary of State of Missouri, it has been determined that C T Corporation System is not the registered Agent in Missouri for a company by the name of SW ENERGY.

Accordingly we are returning the enclosed documents.

Sincerely,

*Edythe L. King
Sr. Process Specialist*

*Encl.
FEDERAL EXPRESS
cc: New York Office/Agent Service Division/Annie
log #5913328*

120 South Central Avenue
Clayton, MO 63105
Tel. 314 863 5545
Fax 314 863 0259



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of an Investigation into Compliance)
with the Required Registration of Sellers of Electricity)
and Gas for Use or Consumption Within Missouri.) Case No. GO-2004-0195

ORDER OPENING CASE, ADDING PARTIES, DIRECTING NOTICE
AND SETTING PREHEARING CONFERENCE

On October 24, 2004, the Staff of the Missouri Public Service Commission filed a motion requesting that the Commission open a case to investigate the sale or distribution of gas and electricity in Missouri by entities that are not certificated by the Commission. In its motion, Staff states that it received a request from the Assistant Superintendent of Salem R-80 Schools for information about a company offering natural gas service. After investigating, Staff determined that the company, Cornerstone Energy, Inc., is not certificated with the Missouri Public Service Commission to provide energy service under Section 393.299, RSMo 2000. Additionally, Staff had no information regarding Cornerstone's financial health or its customer service record with regard to the sale of natural gas.

Based on information gathered by Staff and the specific example of Cornerstone, Staff states "it appears that energy services are likely being offered in Missouri by entities not registered with the Commission, in violation of Sections 393.297-.302, RSMo 2000." Staff therefore moves the Commission to open a case, directing that Staff investigate and report on issues regarding the sale and distribution of energy services in the State of

Missouri. Staff also recommends that the Commission notify certain entities, listed in Exhibit 3, attached to Staff's motion. Staff further recommends that the Commission order a prehearing conference to be held 30 days after the mailing of the requested notice.

The Commission has reviewed Staff's motion and finds that Staff's request is reasonable and will grant the motion. The Commission will require that Staff investigate and report on the following items:

- a. What sellers are providing "energy services" as defined by Sections ~~393.297-302, RSMo 2000?~~
- b. Of these sellers providing "energy services," which ones are operating without the required certification from the Commission?
- c. Are any of these sellers affiliated with electric and gas distributors in Missouri?
- d. Are these sellers registered with the Missouri Secretary of State to do business in Missouri?
- e. Should the Commission's certification process be modified to address the financial, technical, and managerial capabilities of sellers providing service in Missouri?
- f. What plan of action do the parties in this case recommend to ensue full compliance with the statutes by all energy sellers?

The Commission will make the following entities parties to this matter and require that its

~~Data Center send a copy of this order to those companies as listed:~~

Ameren Energy Tom Byrne 1 Ameren Plaza 1901 Chouteau Ave. St. Louis, MO 63103	Aquila Merchant Services CSC Lawyers Inc. Service Co. 221 Bolivar Street Jefferson City, MO 65101	Bayer Thomas E. Bayer Realty 15510 Olive Blvd. #110 Chesterfield, MO 63017
Alliance Energy Valeria Schall 25920 Oakdale Lebanon, MO 65536	Alliance Energy Services, LLC. CT Corporation System 120 South Central Ave. Clayton, MO 63105	Alliance Energy Services, LLC. Jason P. Doyle 8608 N. Flora Ave. Kansas City, MO 64155

CMS Marketing, Inc. Richard Corbet 28 Nolan Dr. St. Louis, MO 63122	Cornerstone Energy CT Corporation System 120 South Central Ave. Clayton, MO 63105	Duke Energy CT Corporation System 120 South Central Ave. Clayton, MO 63105
Energy One Ventures CSC Lawyers Inc. Service 221 Bolivar St. Jefferson City, MO 65101	Farmland Industries CT Corporation System 120 South Central Ave. Clayton, MO 63105	Kansas City Power & Light Company Jeanie Sell Latz 1201 Walnut Kansas City, MO 64106-2124
Laclede Energy Resources, Inc. Mary Caola Kullman 720 Olive St. St. Louis, MO 63101	Laclede Energy Services, Inc. Mary Caola Kullman 720 Olive St. St. Louis, MO 63101	Laclede Energy, LLC. Kenneth L. Miller 300 E. Seminole P.O. Box M Lebanon, MO 65536
Laclede Electric Cooperative 300 E. Seminole P.O. Box M Lebanon, MO 65536	Miracle Recreation Michael Rivard 13523 Barrett Parkway #104 Ballwin, MO 63021	MRT Energy Mkt. Alice Sterkel 9900 Clayton Rd. St. Louis, MO 63124-7001
MRT Energy Mkt. Noram Energy Services 1111 Louisiana Houston, TX 77002	Omega Pipeline CT Corporation System 120 South Central Ave. Clayton, MO 63105	Omega Pipeline Company, LLC. BC Agent Services, Inc. 3500 One Kansas City PL Kansas City, MO 64105
Oneok Energy Marketing and Trading Company, II CSC Lawyers Inc. Service Co. 221 Bolivar Street Jefferson City, MO 65101	Oneok Energy Marketing Company CSC Lawyers Inc. Services Co. 221 Bolivar Street Jefferson City, MO 65101	Oneok Power Marketing Company CSC Lawyers Inc. Services Co. 221 Bolivar Street Jefferson City, MO 65101
SW Energy Distributors, Inc. CT Corporation System 120 South Central Ave. Clayton, MO 63105	Southwest Energy Training, L.L.C. Gina D. Atteberry 402 Main St. P.O. Box 278 Joplin, MO 64802-0278	Talbot Industries, Inc. Ernest C. Jett No. 1 Leggett Road Carthage, MO 64836
TXU Energy – Retail TXU Energy Solution C 1601 Bryan Energy Plz EP 34108 Dallas, TX 75201	TXU Energy – Trading TXU Merger Energy Trad 1601 Bryan Energy Plz EP3108 Dallas, TX 75201	TXU Energy Retail Company TXU Energy Solution C 1601 Bryan Energy Plz EP 34108 Dallas, TX 75201
TXU Energy Retail Company, LP CT Corporation 120 South Central Ave. Clayton, MO 63105	TXU Energy Services TXU SEM Company 9000 E. Nichols Ave. Ste. 150 Englewood, CO 89112-3474	TXU Energy Services Company CT Corporation 120 South Central Ave. Clayton, MO 63105

TXU Energy Solutions Company, LP CT Corporation 120 South Central Ave. Clayton, MO 63105	TXU Energy Trading Company The Corporation Company 120 South Central Ave. Clayton, MO 63105	TXU Energy, Retail TXU Energy Solutions C 1601 Bryan Energy Plz EP 34108 Dallas, TX 75201
TXU Energy, Trading TXU Merger Energy Trad 1601 Bryan Energy Plz EP3108 Dallas TX 75201	Tyson Ambiac Electric, Inc. Dallart R. Tyson 2311 E. 12 th St. Kansas City, MO 64127	Tyson and Tyson Services, Inc. David R. Nachman 2405 Grand, Ste 300 Kansas City, MO 64108
Tyson Pipeline Co James Richard Tyson 515 S. Gordon Alvin, TX 77511-2838	Tyson Sales and Distribution CT Corporation System 120 South Central Avenue Clayton, MO 63105	Tyson Shared Services, Inc. CT Corporation System 120 South Central Avenue Clayton, MO 63105
Tyson Technologies, Inc. Roger J. Tyson 1710 E. 304 th Street Drexel, MO 64742	United States Gypsum Company L.W. Parrish 314 North Broadway St. Louis, MO 63102-2035	
United States Gypsum Company CT Corporation System 120 South Central Ave. Clayton, MO 63105	US Oil Company CT Corporation System 120 South Central Ave. Clayton, MO 63105	Aquila, Inc. d/b/a Aquila Networks-L&P Robert Amdor, Manager Regulatory Services 1815 Capitol Avenue Omaha, NE 68102
Aquila, Inc. d/b/a Aquila Networks-MPS Robert Amdor, Manager Regulatory Services 1815 Capitol Avenue Omaha, NE 68102	Atmos Energy Corporation Robert Best, President 5430 LBJ Freeway, Suite 160 Dallas, TX 75204	Fidelity Natural Gas, Inc. John T. Davis, President 64 North Oak P.O. Box 669 Sullivan, MO 63080-0669
Greeley Gas Company 1301 Pennsylvania Street, Suite 800 Denver, CO 80203	Laclede Gas Company Douglas H. Yaeger, Chairman & CEO 720 Olive Street St. Louis, MO 63101	Missouri Gas Company, LLC David J. Ries, President 110 Algana Court St. Peters, MO 63376
Missouri Gas Energy, a division of Southern Union Company Rob Hack, Vice President Pricing and Regulatory Affairs 3420 Broadway Kansa City, MO 64111-2402	Missouri Pipeline Company, LLC. David J. Ries, President 110 Algana Court St. Peters, MO 63376	Ozark Natural Gas Company, Inc. Harold Epps, President 2580 State Highway 165 Branson, MO 65616
Southern Missouri Gas Company, L.P. Scott Klemm 301 East 17 th Street Mountain Grove, MO 65711	Southern Union Company 1301 South MoPAC Expressway, Suite 400 Austin, TX 78746	Union Electric Company d/b/a AmerenUE Charles W. Mueller, President & CEO 1901 Chouteau Avenue P.O. Box 66149 St. Louis, MO 63166-6149

United Cities Gas Company 810 Crescent Centre Drive Suite 600 Franklin, TN 37067	CMS Marketing, Services and Trading Company The Corporation Company 120 South Central Avenue Clayton, MO 63105	Duke Energy Control Area Services, LLC. CT Corporation System 120 South Central Ave. Clayton, MO 63105
Duke Energy Marketing America, LLC. CT Corporation System 120 South Central Ave. Clayton, MO 63105	Duke Energy Merchants, LLC. CT Corporation System 120 South Central Ave. Clayton, MO 63105	Duke Energy Operating Company CT Corporation System 120 South Central Ave. Clayton, MO 63105
Duke Energy Operating Company, LLC. CT Corporation System 120 South Central Ave. Clayton, MO 63105	Duke Energy St. Francis, LLC. CT Corporation System 120 South Central Ave. Clayton, MO 63105	Duke Energy Trading and Market Services, L.L.C. The Corporation Company 120 South Central Avenue Clayton, MO 63105
Energy One Ventures UtiliCorp United, Inc. 20 W. 9 th St. Kansas City, MO 64105	Laclede Energy, LLC Laclede Electric Cooperative 300 E. Seminole P.O. Box M Lebanon, MO 65536	Miracle Recreation Equipment Company Michael Rivard 13523 Barrett Parkway #104 Ballwin, MO 63021
MRT Energy Mkt Noram Energy Services 1111 Louisiana Houston, TX 77002	MRT Energy Marketing Company Alice Sterkel 9900 Clayton Rd. St. Louis 63105	MRT Energy Marketing Company Noram Energy Services 1111 Louisiana Houston, TX 77002
Talbot Industries, Inc. Ernest C. Jett No. 1 Leggett Road Carthage, MO 64836	Oneok Energy Marketing and Trading Company, L.P. Oneok Energy Marketing 100 West Fifth Street Tulsa, OK 74103	SW Energy CT Corporation System 120 South Central Ave. Clayton, MO 63105
TXU Energy Retail Company LP TXU Energy Retail Management 1601 Bryan St. Dallas, TX 75201	TXU Energy Solutions Company, LP. TXU Energy Solutions Management 1601 Bryan St. Dallas, TX 75201	TXU Energy Trading Company TXU Merger Energy Trad 1601 Bryan Energy Plz EP3108 Dallas, TX 75201
ConAgra Energy Services, Inc. Gregory A. Heckman, President P.O. Box 2533 Omaha, NE 68103-2533	Enserch Energy Services 1301 Fannin Suite 2300 Houston, TX 77002	FSG Energy Services 6797 North High St. Suite 314 Worthington, OH 43085
MRT Marketing Energy Company 9900 Clayton Rd. St. Louis, MO 63124	Oneok Gas Marketing 100 West Fifth Street Tulsa, OK 74103	Proliance Energy 111 Monument Circle Suite 2200 Indianapolis, IN 46204
Seminole Energy 1323 E. 71 st Suite 300 Tulsa, OK 74136	Summit Energy 10350 Ormsby Park Pl. Suite 400 Louisville, KY 40223	Strategic Energy, L.L.C. Two Gateway Center 9 th Floor Pittsburgh, PA 15222-1425

Woodward Marketing, L.L.C 11251 Northwest Expressway #400 Houston, TX 77092	PG&E Energy Trading 10825 Watson Rd. St. Louis, MO 63127-1031	Ozark Natural Gas Co. 118 S. Commercial Street Branson, MO 65616-2702
Bowgen Fuel Systems 3392 Bowgen Parkway Springfield, MO 65807-7403	Mercado Gas Svc., Inc. 3420 Broadywat St. Kansas City, MO 64111- 7516	Associated Natural Gas, Inc. 532 Main Street Jackson, MO 63755-1741
Williams Natural Gas Co. 6300 S. Range Line Rd. Joplin, MO 64804-9215	Laclede Venture Corp. 720 Olive Street Rd. St. Louis, MO 63101-2338	Associated Natural Gas Co. 916 N. Green Street Kirksville, MO 63501-2443

The Commission will also order that the Data Center serve a copy of this order upon all local distribution companies certificated by the Commission to operate in Missouri. Finally, this matter is at issue and a prehearing conference is appropriate to ensure its prompt resolution. Upon Staff's motion the Commission therefore will order that this matter be set for prehearing conference.

IT IS THEREFORE ORDERED:

1. That the Staff of the Commission shall investigate and report on the following items:
 - a. What sellers are providing "energy services" as defined by Section 393.297-.302, RSMo 2000?
 - b. Of these sellers providing "energy services," which ones are operating without the required certification from the Commission?
 - c. Are any of these sellers affiliated with electric and gas distributors in Missouri?
 - d. Are these sellers registered with the Missouri Secretary of State to do business in Missouri?
 - e. Should the Commission's certification process be modified to address the financial, technical, and managerial capabilities of sellers providing service in Missouri?
 - f. What plan of action do the parties in this case recommend to ensue full compliance with the statutes by all energy sellers?

2. That those companies listed in the body of this order are made parties to this matter.

3. That a prehearing conference shall be held on February 4, 2004, beginning at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The prehearing conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this prehearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the prehearing conference.

4. That the Data Center of the Commission shall serve a copy of this order as described herein.

5. That this order is effective on December 9, 2003.

BY THE COMMISSION

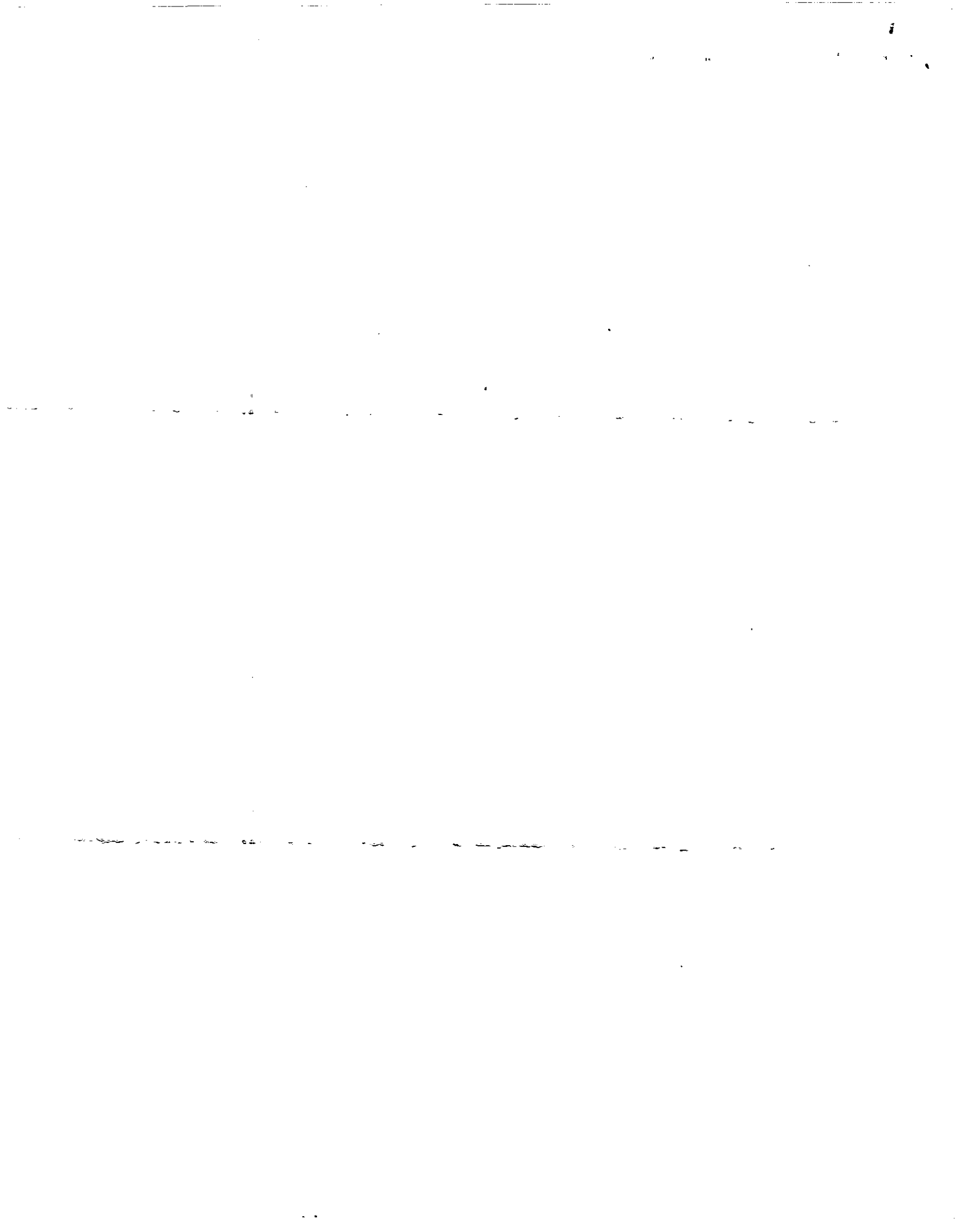


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 9th day of December, 2003.




STATE OF MISSOURI

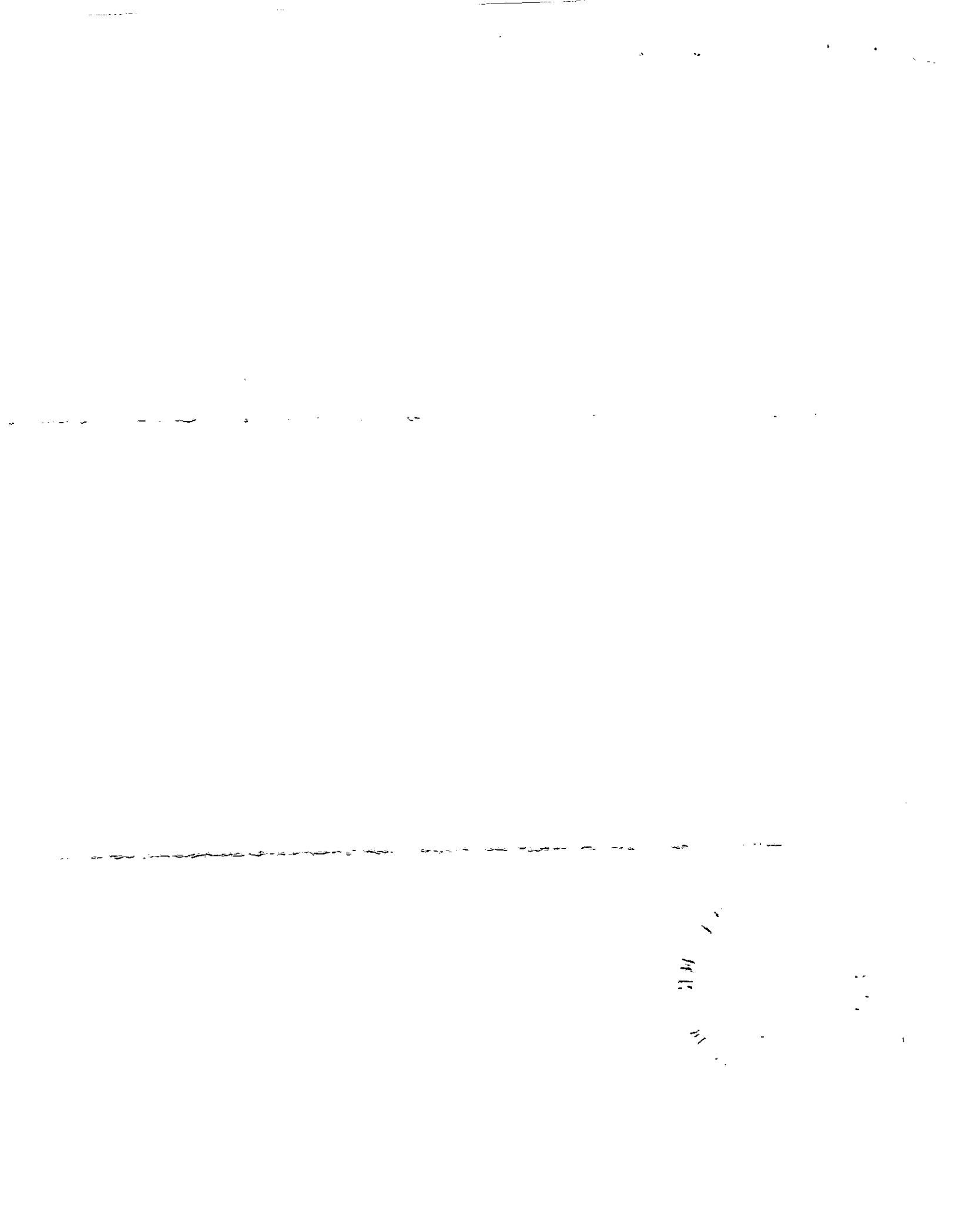
OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 9th day of December 2003.**



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge



MISSOURI PUBLIC SERVICE COMMISSION

December 9, 2003

Case No. GO-2004-0195

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TXU Energy-Trading
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Tyson Pipeline Co.
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US Oil Company
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Robert Amdor, Manager
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Missouri Gas Energy, a division
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Rob Hack, Vice President
Pricing & Regulatory Affairs
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Harold Epps, President
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Duke Energy Control Area
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Duke Energy Operating Company
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TXU Energy Solutions Company LP
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Summit Energy
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Woodward Marketing, L.L.C.
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Ozark Natural Gas Co.
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Branson, MO 65616

Bowgen Fuel Systems
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Springfield, MO 65807

Mercado Gas Svc., Inc.
3420 Broadway St.
Kansas City, MO 64111

Associated Natural Gas, Inc.
532 Main Street
Jackson, MO 63755

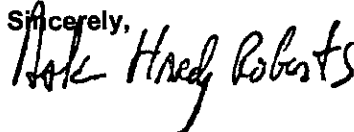
Williams Natural Gas Co.
6300 S. Range Line Rd.
Joplin, MO 64804

Laclede Venture Corp.
720 Olive Street Rd.
St. Louis, MO 63101

Associated Natural Gas Co.
916 N. Green Street
Kirksville, MO 63501

Enclosed find a certified copy of an ORDER in the above-numbered case(s).

Sincerely,

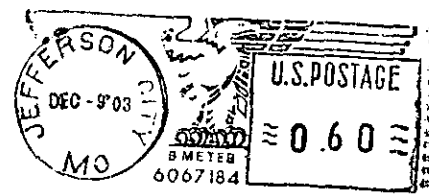


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Missouri Public Service Commission
Adjudication Division - Data Center
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MO 419-2851 (9-01)

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