

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

In the matter of the Application of Southern)	
Missouri Gas Company, L. P. d/b/a Southern)	
Missouri Natural Gas for a certificate)	
of public convenience and necessity)	
authorizing it to construct, install, own, operate,)	Case No. GA-2007-0168
control, manage and maintain a natural gas)	
distribution system to provide gas service in)	
Branson, Branson West, Reed's Spring)	
and Hollister, Missouri.)	

LIST OF ISSUES, ORDER OF WITNESSES AND ORDER OF CROSS-EXAMINATION

Comes now Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas, the Staff of the Missouri Public Service Commission ("Staff"), Office of the Public Counsel ("Public Counsel"), Missouri Gas Energy, a division of Southern Union Company ("MGE") and Ozark Energy Partners, LLC ("OEP"), and states:

1. On October 25, 2007, the Commission issued an *Order Adopting Procedural Schedule* in which it stated "If the parties are unable to reach agreement on the merits of Southern Missouri Natural Gas' application, they shall jointly file . . . a list of issues to be decided, the witnesses to appear at each day of the hearing and the order in which they will be called, and the order of cross-examination for each witness." (*Order*, p. 2). The Commission subsequently ordered that the list of issues be filed no later than the start of the first day of the hearing. *Order Denying Motion To Postpone Hearing* (November 20, 2007), p. 2

2. The Parties to this proceeding are: SMNG, the Staff, and the Office of the Public Counsel, Southern Star Central Pipeline (SSCP), Missouri Gas Energy (MGE), and Ozark Energy Partners, LLC (OEP).

3. The Parties agree the listing of issues below is not an agreement by any party that any particular listed issue is, in fact, a valid or relevant issue. This "non-binding" listing of issues is not to be construed as impairing any party's ability to argue about any of these issues or related matters, or to restrict the scope of its response to arguments made by other parties. The parties believe the list includes all contested issues and properly identifies them.

LIST OF ISSUES

1. Should SMNG be granted a conditional certificate of convenience and necessity to serve Branson, Hollister, and Branson West, Missouri, and surrounding environs, as requested by SMNG in this proceeding?
 - a. Is there a public need for the proposed service?
 - b. Is SMNG qualified to provide the proposed service?
 - c. Does SMNG have the financial ability to provide the service?
 - d. Is SMNG's proposed service economically feasible?
 - e. Is SMNG's proposed service in the public interest?
2. What conditions, if any, should the Commission impose upon the grant of certificate of convenience and necessity to serve Branson, Branson West, and Hollister, Missouri, and surrounding environs?
 - a. Should the Commission specifically condition the certificate upon the following agreement by SMNG:

"SMNG agrees that if, at any time, it sells or otherwise disposes of its assets before SMNG has cost based rates in a sale, merger, consolidation or liquidation transaction at a fair value less than its net original cost for those assets, the purchaser/new owner shall be expected to reflect those assets on its books at its purchase price or the fair value of the assets, rather than at the net original cost of the assets. This provision is intended to define SMNG's

responsibility relative to the exercise of this certificate relative to SMNG's risk, not SMNG's customers, to absorb the costs in the event serving of this area is found to be uneconomic under original cost of service regulation. SMNG also acknowledges that it is the intention of the Parties that the provisions of this paragraph shall apply to any successors or assigns of SMNG. Nothing in this paragraph is intended to increase or diminish the existing rights or obligations of the parties with respect to ratemaking treatment of SMNG's existing assets outside the properties related to this certificate."

b. Should the Commission adopt similar conditions to those recommended in the Stipulation And Agreement between OEP and Staff filed in Case No. GA-2007-0561 on November 8, 2007?

ORDER OF WITNESSES AND ORDER OF CROSS-EXAMINATION

The Parties propose the following order of issues and witnesses, and order of cross-examination:

ORDER OF ISSUES AND WITNESSES

Tuesday, November 27, 2007 8:30 a.m.

Opening Statements

SMNG
Staff
Public Counsel
OEP
MGE
SSCP

Order of Witnesses

SMNG Witnesses

Randal T. Maffett (all issues)
Rae Ann Presley, Mayor of Branson (public need)(available after 2 PM)
Matthew Gimble (economic feasibility), if necessary
Michael Lewis (engineering issues), if necessary

Staff Witnesses

Mike Straub (all issues, except accounting treatment of sale price)

Mark Oligschlaeger (accounting treatment for possible future sale of property)

Public Counsel Witness

Barb Meisenheimer (all issues)

OEP Witnesses

Steve Catron (all issues)

Greg Pollard (all issues)

Wednesday, November 28, 2007 8:30 a.m.

Issues and witnesses not heard earlier

ORDER OF CROSS-EXAMINATION

SMNG Witnesses

SSCP, MGE, Public Counsel, Staff, OEP

Staff Witnesses

SSCP, MGE, Public Counsel, OEP, SMNG

Public Counsel Witness

SSCP, MGE, OEP, Staff, SMNG

OEP Witnesses

SSCP, MGE, Public Counsel, Staff, SMNG

Wherefore, SMNG on behalf of itself and with the concurrence of the above-referenced parties, files the List of Issues, Order of Witnesses and Order of Cross-examination in this matter.

Respectfully submitted,

/s/ James M. Fischer

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ATTORNEYS FOR SOUTHERN MISSOURI
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MISSOURI NATURAL GAS

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 26th day of November, 2007.

/s/ James M. Fischer

James M. Fischer