

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 22, 2001**

CASE NO: GR-2001-382

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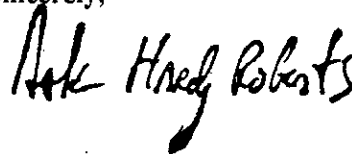
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Missouri Gas Energy's Purchased)
Gas Adjustment Tariff Revisions to be Reviewed) Case No. GR-2001-382
in Its 2000-2001 Actual Cost Adjustment.)

ORDER GRANTING INTERVENTION AND
DENYING PROTECTIVE ORDER

Procedural History:

On January 19, 2001, the City of Joplin (Joplin) applied to intervene herein. On January 31, 2001, Kansas Pipeline Company (KPC) also applied to intervene. On February 7, 2001, MGE moved for a protective order.

Intervention:

Commission Rule 4 CSR 240-2.075 governs intervention in cases pending before the Commission:

(1) An application to intervene shall comply with these rules and shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission.

(2) An application to intervene shall state the proposed intervenor's interest in the case and reasons for seeking intervention, and shall state whether the proposed intervenor supports or opposes the relief sought or that the proposed intervenor is unsure of the position it will take.

(3) An association filing an application to intervene shall list all of its members.

(4) The commission may on application permit any person to intervene on a showing that:

(A) The proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

(5) Applications to intervene filed after the intervention date may be granted upon a showing of good cause.

Joplin states, in support of its application for intervention, that it is a Missouri municipality, that MGE supplies gas to the residents and businesses of Joplin, as well as to the City itself, and that any increase in rates, consequently, will impact those residents, businesses, and the City. Joplin asserts that granting its application for intervention would promote the public interest. KPC, in turn, states in support of its application for intervention that it is a gas transporter which supplies gas to MGE, that transportation costs are likely to be reviewed in this proceeding, and that KPC's interest herein, consequently, differs from that of the general public and cannot be adequately represented by any other party.

No party has objected to these applications to intervene and the time for doing so has passed. The intervention applicants have complied in all respects with the Commission's rule on intervention. Having reviewed the applications, the Commission concludes that granting the applications will promote the public interest. Therefore, the applications for intervention will be granted.

Motion for Protective Order:

Commission Rule 4 CSR 240-2.085 governs protective orders in proceedings pending before the Commission:

(1) Any party seeking a protective order in any case, shall request such by separate pleading denominated "Motion for Protective Order." The pleading shall state with particularity why the moving party seeks protection, and what harm may occur if the information is made public. The pleading shall also include a statement that none of the information for which a claim of

confidentiality is made can be found in any format in any other public document.

(2) Pleadings, testimony, or briefs shall not contain highly confidential or proprietary information unless a protective order has been issued by the commission; except that if the pleading which initiates a case or testimony accompanying a pleading initiating a case contains highly confidential or proprietary information, then the party shall file one (1) original, and eight (8) copies of the public version; and one (1) original, and eight (8) copies of the complete version containing the information to be protected, together with a Motion for Protective Order. A highly confidential or proprietary copy of the pleadings shall be served on the attorneys of record, including general counsel and the public counsel.

(3) Unless otherwise ordered, after the issuance of a protective order all pleadings or exhibits shall be filed in the form of one (1) original and eight (8) copies of the protected matter and one (1) original of the public version.

In support of its motion for a protective order, MGE states only that it "expects the parties to request documents or other material from MGE, which contains [sic] sensitive information that should be protected from public disclosure."

MGE has not complied with the Commission's rule, 4 CSR 240-2.085 in that the pleading does not state with particularity why it seeks protection and does not identify the harm which may occur if the information is made public. Furthermore, the pleading does not include a statement that none of the information for which a claim of confidentiality is made can be found in any format in any other public document. Consequently, the motion for protective order must be denied. This denial does not, of course, prevent MGE from again seeking a protective order in this proceeding pursuant to a properly supported motion.

IT IS THEREFORE ORDERED:

1. That the application for intervention filed by the City of Joplin on January 19, 2001, is granted. The Records Department of the Commission shall add counsel for the City of Joplin to the service list

maintained in this matter: James B. Deutsch, Esq., Henry T. Herschel, Esq., Blitz, Bardgett & Deutsch, L.C., 308 East High Street, Suite 301, Jefferson City, Missouri 65101.

2. That the application for intervention filed by Kansas Pipeline Company on January 31, 2001, is granted. The Records Department of the Commission shall add counsel for Kansas Pipeline Company to the service list maintained in this matter: Jeffrey A. Keevil, Esq., Stewart & Keevil, L.L.C., Cherry Street Center, 1001 Cherry Street, Suite 302, Columbia, Missouri 65201; and Chris Kaitson, General Counsel, Kansas Pipeline Company, 1100 Louisiana, Suite 2900, Houston, Texas 77002.

3. That the motion for protective order filed by Missouri Gas Energy, a Division of Southern Union Company, on February 7, 2001, is denied, without prejudice.

4. That this Order shall become effective on March 4, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 22nd day of February, 2001.


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 22nd day of February 2001.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge