

JAMES M. FISCHER, P.C.

ATTORNEY AT LAW
REGULATORY CONSULTANT

101 WEST McCARTY, SUITE 215
JEFFERSON CITY, MO 65101

TELEPHONE (573) 636-6758
FAX (573) 636-0383

August 24, 1998

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED
AUG 24 1998
Missouri Public
Service Commission

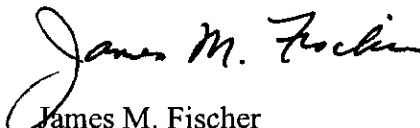
RE: Case No. OO-99-44

Dear Mr. Roberts:

Enclosed are the original and fourteen (14) copies of the Application to Intervene of Fidelity Natural Gas Co., Inc. and Fidelity Telephone Company for filing in the above-referenced matter. A copy of the foregoing Application to Intervene has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
Enclosures

cc: All Parties of Record

FILED
AUG 24 1998
Missouri Public
Service Commission

Case No. OO-99-44

APPLICATION TO INTERVENE

COME NOW Fidelity Natural Gas Co., Inc. and Fidelity Telephone Company (hereinafter, collectively referred to as "Fidelity") and pursuant to 4 CSR 240-2.075 respectfully request that the Commission grant Fidelity the right to intervene in this proceeding. In support of this Application, Fidelity states as follows:

1. On July 28, 1998, West Elm Place Corporation, The Empire District Electric Company, St. Joseph Light & Power Company, Arkansas Western Gas Company d/b/a Associated Natural Gas Company, Laclede Gas Company, Missouri-American Water Company and UtiliCorp United Inc. d/b/a Missouri Public Service (hereinafter "The Companies") filed an Application for Rehearing and Stay pursuant to Section 386.500, RSMo 1994¹, and 4 CSR 240-2.160, seeking rehearing regarding the Commission's June 29 Supplemental Order No. 52² ("Order 52") in Case No. 11,110. The Commission established Case No. OO-99-44 to address the Application for

¹ All statutory references are to Revised Statutes of Missouri 1994, unless otherwise stated.

² Order 52 is the order in which the Commission has set out its assessments of expenses directly attributable to all groups of public utilities and also the amounts of expenses not directly attributable to any such group. The purpose of Order 52 was to make the public utility assessments provided for, pursuant to Section 386.370, for the Commission's fiscal year commencing July 1, 1998 (the 1999 fiscal year or FY99).

Rehearing and Stay. The Companies have requested the Commission to reconsider its decision in this order.

2. In its Order Regarding Application for Rehearing and Stay issued on August 5, 1998, the Commission established an intervention deadline of August 31, 1998.

IDENTITY OF APPLICANT

3. Fidelity Natural Gas Company, Inc. is a corporation duly organized and existing under the laws of the State of Missouri. Its principal office and place of business is located at 64 North Clark, Sullivan, Missouri 63080. Fidelity is a natural gas utility certified to provide natural gas service to customers in and around the City of Sullivan, Missouri. Fidelity is duly qualified as a Missouri corporation to transact business in the state of Missouri, and is a certificated gas utility. Fidelity is a public utility engaged in the distribution, transportation and sale of natural gas in and around the City of Sullivan, Missouri. Fidelity is a "gas corporation" and "public utility" pursuant to Sections 386.020(18) and (42) (RSMo. Cum. Supp. 1997), and has been granted a Certificate of Convenience and Necessity to provide natural gas service within the state of Missouri.

4. Fidelity Telephone Company is a corporation duly organized and existing under the laws of the State of Missouri. Its principal office and place of business is located at 64 North Clark, Sullivan, Missouri 63080. Fidelity Telephone Company is a "telecommunications company" and "public utility" pursuant to Sections 386.020(18) and (42) (RSMo. Cum. Supp. 1997), and has been granted a Certificate of Service Authority to provide telephone service within the state of Missouri.

4. All correspondence, pleadings, orders and documents in this proceeding should be addressed to:

Kathy Davis
Fidelity Natural Gas Company, Inc.
Fidelity Telephone Company
64 North Clark
Sullivan, Missouri 63080
Telephone: (573) 468-1260

Mr. James M. Fischer
Attorney at Law
101 West McCarty Street, Suite 215
Jefferson City, Missouri 65101
Telephone: (573) 636-6758

APPLICANT'S INTEREST IN PROCEEDING

5. Fidelity Natural Gas Company, Inc. and Fidelity Telephone Company were assessed regulatory assessments, pursuant to Order 52. As a result, decisions in this proceeding potentially may affect the amount of Fidelity's regulatory assessment in 1999, and may potentially affect its regulatory assessment in future years. As a result, Fidelity's interest in this proceeding is different from that of the general public. Therefore, Fidelity requests the opportunity to intervene and participate in this proceeding in order to monitor the case, and to protect its interests.

6. Fidelity generally supports the position of The Companies that have sought a rehearing and stay of Order 52 as it relates to the Article X transfer used to fund the Hancock Amendment refunds. Fidelity's participation will aid the Commission in resolving the issues raised in this proceeding.

WHEREFORE, Fidelity Natural Gas Company, Inc. and Fidelity Telephone Company respectfully request the Commission to issue its Order Granting Intervention in this proceeding.

Respectfully submitted,



James M. Fischer, Esq. MBN 27543

JAMES M. FISCHER, P.C.

101 West McCarty Street, Suite 215

Jefferson City, Missouri 65101

Telephone: (573) 636-6758

Fax: (573) 636-0383

Attorney for
Fidelity Natural Gas Company, Inc. and
Fidelity Telephone Company

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 24th day of August, 1998, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Karen Winn, General Counsel
Office of the Commissioner of Administration
Capitol Building, Room 125
Jefferson City, MO 65101

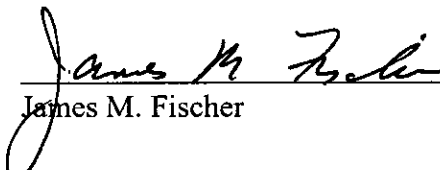
Michael C. Pendergast
Laclede Gas Company
720 Olive Street
Room 1520
St. Louis, MO 63101

James C. Swearengen
Paul A. Boudreau
Brydon, Swearengen & England P.C.
P.O. Box 456
Jefferson City, MO 65102-0456

Jeremiah W. Nixon, Attorney General
Attn: Ron Molteni
Office of the Attorney General
Supreme Court Building
Washington and High Street
P.O. Box 899
Jefferson City, MO 65102-0899

Tom M. Taylor
Southern Missouri Gas Company, L.P.
8801 South Yale
Suite 385
Tulsa, OK 74137

Kathy Davis
Fidelity Natural Gas Company, Inc.
Fidelity Telephone Company
64 North Clark
Sullivan, MO 63080


James M. Fischer