

**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	)	Case No. GA-2007-0168
To Construct, Install, Own, Operate, Control	)	
Manage and Maintain a Natural Gas Distribution	)	
System to Provide Gas Service in Branson,	)	
Branson West, Reeds Spring, and Hollister, 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,	)	Case No. GA-2007-0212
install, own, operate, control, manage	)	et al.
and maintain a natural gas distribution	)	
system to provide gas service in	)	
Lebanon, Missouri.	)	

In the Matter of the Application of Ozark Energy	)	
Partners, LLC for a Certificate of Public Convenience	)	
And Necessity to Construct and Operate an Intrastate	)	Case No. GA-2006-0561
Natural Gas Pipeline and Gas Utility to Serve Portions	)	
Of the Missouri Counties of Christian, Stone and	)	
Taney, and for Establishment of Utility Rates	)	

**SMNG'S RESPONSE IN OPPOSITION  
TO OZARK ENERGY PARTNERS' MOTION  
AND REPLY TO STAFF'S RESPONSE**

**COMES NOW** Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas ("SMNG"), pursuant 4 CSR 240-2.080(15), and for its (1) Response in Opposition to Ozark Energy Partners, LLC's "Motion to Consolidate Cases, Grant Late Application to Intervene of Ozark Energy Partners, LLC, or Order New Filing," and (2)

Reply to "Staff's Response to Commission Order With Additional Comments," respectfully states as follows:

1. On November 14, 2007, Ozark Energy Partners, LLC ("OEP") filed its Motion to Consolidate Cases, Grant Late Application to Intervene of Ozark Energy Partners, LLC, or Order New Filing ("Motion"), wherein OEP requests, *inter alia*, that it be granted intervention in Case No. GA-2007-0212, *et al.* – a case (as OEP acknowledges) in which evidentiary hearings have been held, and a Report and Order issued on August 16, 2007, granting SMNG a conditional certificate to serve Lebanon, Houston and Licking, Missouri. Contrary to OEP's assertions, no good cause exists for granting OEP's late-filed request. As pointed out by the Staff of the Commission in its Staff's Response to Commission Order With Additional Comments ("Staff's Response"), in the GA-2007-0212 proceeding "Staff recommended conditionally granting the certificates but withholding approval of the financing application until Staff has reviewed the final terms and conditions of SMNG's financing arrangements and made its Recommendation to the Commission." Whereas SMNG has advised the Staff and the Commission that it intends to include the Branson expansions in the same financing application, SMNG seeks a similar conditional certificate in Case No. GA-2007-0168. Accordingly, SMNG anticipates that such certificate will withhold approval of the financing application until "Staff has reviewed the final terms and conditions of SMNG's financing arrangements and made its Recommendation to the Commission." As OEP is a party to Case No. GA-2007-0168, it may review such Highly Confidential information pursuant to the Commission's Rules. SMNG certainly expects a similar opportunity to

review OEP's financial information when it is finally submitted to the Commission in Case No. GA-2006-0561.

2. OEP also moves the Commission to consolidate Case No. GA-2007-0212, *et al.*, with Case No. GA-2007-0168. For the reasons stated above, such motion should be denied outright. Indeed, Staff specifically opposes such a consolidation as well. (Staff's Response, pp. 5-6). In the alternative, and apparently in hopes of delaying ultimate approval of SMNG's certificate applications and creating additional burdens and expense to all concerned, OEP suggests that SMNG's financing be addressed in a completely new docket, to which parties to both cases – Case Nos. GA-2007-0212, *et al.* and GA-2007-0168, would automatically be parties to said new docket. Again, the Commission should not countenance such delay tactics, and such alternative request for relief should be denied outright.

3. A final alternative request for relief by OEP would require SMNG to file its Second Amended Application on financing in Case No. GA-2007-0168, in addition to filing same in Case No. GA-2007-0212, *et al.* Whereas the subject financing is integral to both certificate application cases, such an approach clearly is preferable to Staff's suggestion that “. . . in order to avoid any more delay in beginning construction of infrastructure to serve the Lebanon area, SMNG should be ordered to file a separate financing case for service to the Branson area.” (Staff's Response, p. 6.) Instituting a new, separate financing case would, in fact, result in the very delay that Staff seeks to avoid. As discussed, *supra*, final financing arrangements will be provided to Staff for its Recommendation to be filed in both certificate cases.

WHEREFORE, SMNG respectfully submits its Response in Opposition to OEP's Motion and its Reply to Staff's Response.

Respectfully submitted,

/s/ James M. Fischer

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#### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing pleading was served to all persons on the official service lists in the above-referenced cases via electronic filing and electronic mail (e-mail) on this 26<sup>th</sup> day of November, 2007.

/s/ James M. Fischer

James M. Fischer