

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE 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, Control,     )  
Manage and Maintain a Natural Gas     )  
Distribution System to Provide Gas Service in     )  
Branson, Branson West, Reeds Spring, and     )  
Hollister, Missouri     )

**Case No. GA-2007-0168**

**BRIEF OF OZARK ENERGY PARTNERS**

COMES NOW Ozark Energy Partners, LLC (hereinafter, "Ozark" or "OEP"), Intervenor herein, and submits its Brief in this matter. OEP urges the Commission to deny SMNG's Application in this case, because SMNG has failed to meet its burden of proving the economic feasibility of its project, and has demonstrated that it is not amenable to regulation and, therefore, not qualified to be entrusted with further expansion of its Missouri service areas. OEP asserts that it would not be in the public interest to grant SMNG a certificate of convenience and necessity, for all the reasons explained and supported in the record of this case and summarized and argued below.

Since other parties will provide the Commission with adequate information concerning the procedural history of the case, this Brief will only address the substantive issues. The organization of this Brief is shown in the Table of Contents on the following page.<sup>1</sup>

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<sup>1</sup> Since virtually all of this Brief is Highly Confidential in nature, under the Commission's confidentiality rules, normal redaction of lines or parts of lines within the document is not a practical option. Thus, OEP requests leave of the Commission to file a Non-Proprietary (NP) version of this brief that includes only the first page, Table of Contents and the signature and service pages.

**NP**

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## CONCLUSION

Based on the evidence of record in this case, SMNG has failed to meet its burden of proving that its proposal to provide service in the Branson area, as proposed in this case, is economically feasible and in the public interest. In addition, serious questions have been raised as to SMNG's qualifications to provide the proposed service, particularly its amenability to regulation and fair play. These facts should not be rewarded with an expansion of SMNG's service territory. SMNG's application should be denied.

Even if the Commission were to determine to grant a conditional certificate to SMNG in this case, one of the conditions imposed should be that SMNG file a new, Branson-specific feasibility study, in accordance with Commission rules and precedent, for Commission review and approval, that demonstrates the economic feasibility of its proposed Branson expansion project.

WHEREFORE, Ozark Energy Partners, LLC, respectfully submits its Brief in this matter for the Commission's careful review and consideration.

Respectfully submitted,

*/s/ William D. Steinmeier*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has been served electronically on the General Counsel's Office, the Office of the Public Counsel, and counsel for each Intervenor, on this 4<sup>th</sup> day of January 2008.

***/s/ William D. Steinmeier***

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William D. Steinmeier