

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

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

**DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY**

I must dissent from the majority's decision to adopt the Report and Order in this case. Today, the Commission also adopted the Report and Order in Case No. GA-2007-0168, which grants a "conditional" Certificate of Convenience and Necessity to Southern Missouri Natural Gas Company for much of the same service area. In my opinion, the majority of the Commission has acted on a whim that may rise to the level of capriciousness by establishing a practice of granting multiple "conditional" Certificates of Convenience and Necessity for much of the same service area.

The Commission's decision in these cases has delayed the inevitable decision that the Commission must make of which company will best serve the public interest and be granted the "full" Certificates of Convenience and Necessity. In doing so, the Commission has placed Ozark Energy Partners, LLC and Southern Missouri Natural Gas Company in a costly race to determine who can obtain financing first and created a disadvantage to both companies when approaching financing institutions.

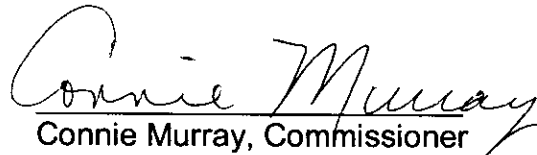
Ozark Energy Partners, LLC has shown its lack of sophistication and familiarity with Commission practice by agreeing "that if, at any time, it sells or otherwise disposes of its assets in a sale, merger, consolidation or liquidation transaction at a fair value less than its net original cost for those assets, the purchaser/new owner shall be expected to reflect those assets on OEP's [sic] books at its purchase price or the fair value of the assets, rather than at the net original cost of the assets." If this unprecedented provision is implemented, at such time Ozark Energy Partners, LLC wishes to sell its assets for less than its net original cost not only will the company be in financial trouble, but no other utility will be likely to acquire the assets.

Although the majority in the Findings of Fact cites Branson's Mayor as claiming that a need for gas service exists, Ozark Energy Partners, LLC does not have a franchise for the city of Branson and has no plans to serve Branson in the immediate future. Thus, the "need" the Mayor of Branson sought to remedy will not be answered by awarding Ozark Energy Partners, LLC a Certificate of Convenience and Necessity. Further, the Commission has failed to weigh the harm that could result to Branson and other areas of the region if a Certificate of Convenience and Necessity is granted to Ozark Energy Partners, LLC and its plan fails to come to fruition. For example, if Ozark Energy Partners, LLC finds that only part of the awarded service area will be profitable and abandons the remaining area, other gas provider's may be unable to enter the region because of the lack of available service population. With Southern Missouri Natural Gas Company, the Commission has a

proven utility to choose from that has a logical plan to serve all of the proposed area in the foreseeable future.

For these reasons, I do not support the vote to adopt the Report and Order granting a "conditional" Certificate of Convenience and Necessity to Ozark Energy Partners, LLC.

**Respectfully submitted,**

  
Connie Murray, Commissioner

Dated at Jefferson City, Missouri  
on this 5th day of February 2008.