

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 29th day  
of July, 2008.

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

**ORDER CANCELLING CONDITIONAL CERTIFICATE OF SERVICE AUTHORITY**

Issue Date July 29, 2008

Effective Date: August 8, 2008

On February 5, 2008, the Missouri Public Service Commission issued an order granting to Ozark Energy Partners, LLC, a conditional certificate of convenience and necessity to provide natural gas in the Ozark region.<sup>1</sup> Ozark's certificate was conditioned on the company submitting acceptable financing to the Commission.

In a separate and related matter,<sup>2</sup> Southern Missouri Gas Company d/b/a Southern Missouri Natural Gas also sought a certificate of convenience and necessity to serve much of the same territory that Ozark sought to serve. The Commission granted a similarly conditioned certificate to Southern Missouri.

Although Ozark did not file a case seeking Commission approval of proposed financing, Southern Missouri already had a pending financing case in which Ozark was an

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<sup>1</sup> Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas was an intervenor in this matter.

<sup>2</sup> Commission Case No. GA-2007-0168, in which Ozark was an intervenor.

intervenor.<sup>3</sup> On March 27, 2008, the Commission convened what was scheduled to be an evidentiary hearing for Southern Missouri's financing case. However, because Southern Missouri and Ozark entered into a Stipulation and Agreement, the Commission took statements and asked questions concerning that agreement. During the course of the hearing, Ozark represented that it no longer seeks the above-captioned certificate.<sup>4</sup>

If the Commission does nothing, then Ozark's certificate will become null and void in two years.<sup>5</sup> Ozark has stated that it no longer intends to pursue a certificate. Further, the company did not request Commission approval for financing and joined Southern Missouri in its effort to serve the areas that were the subject of Ozark's application.<sup>6</sup> The Commission ultimately granted a certificate to Southern Missouri.<sup>7</sup>

Finally, to better ensure that the company does not want a certificate, the Commission issued an order directing Ozark to show cause why its certificate should not be cancelled. The company failed to respond. In light of this and the above facts, the Commission will cancel Ozark's conditional certificate.

**IT IS ORDERED THAT:**

1. The conditional certificate of service authority granted to Ozark Energy Partners, LLC, on February 5, 2008, is cancelled.

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<sup>3</sup> Commission Case No. GF-2007-0215.

<sup>4</sup> Commission Case No GF-2007-0215; Tr. page 40, lines 6-8.

<sup>5</sup> Section 393.170.3 RSMo. 2000.

<sup>6</sup> Case No. GF-2007-0215 *Order Approving Stipulation and Agreement*, issued April 17, 2008.

<sup>7</sup> Case No. GA-2007-0168 *Second Report and Order*, issued June 24, 2008.

2. This order shall become effective on August 8, 2008.
3. This case shall be closed on August 9, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Clayton,  
Jarrett, and Gunn, CC., concur.

Jones, Senior Regulatory Law Judge