

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 Intrastate)
Natural Gas Pipeline and Gas Utility to Serve Portions)
of the Missouri Counties of Christian, Stone and)
Taney, and for Establishment of Utility Rates)

Case No. GA-2006-0561

ORDER TO SHOW CAUSE
WHY CERTIFICATE SHOULD NOT BE CANCELLED

Issue Date July 17, 2008

Effective Date: July 17, 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.¹ Ozark's certificate was conditioned on the company submitting acceptable financing to the Commission.

In a separate but related matter², 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

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

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

intervenor.³ 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.⁴

If the Commission does nothing, then Ozark's certificate will become null and void in two years.⁵ Ozark has stated that it no longer intends to pursue a certificate. Further, the company has not requested Commission approval for financing and joined Southern Missouri in its effort to serve the areas that were the subject of Ozark's application.⁶ Finally, on June 24, the Commission granted to Southern Missouri a certificate to serve the areas Ozark first sought to serve.⁷ In light of these facts, the Commission will require Ozark to file a pleading stating why its conditional certificate should not be cancelled.

If Ozark desires to retain its conditional certificate it must hire an attorney to file a statement informing the Commission of such. If Ozark does not desire to retain its conditional certificate it may chose to ignore this order. If Ozark fails to respond to this Commission order, the Commission may proceed to cancel Ozark's certificate.

IT IS ORDERED THAT:

1. Ozark Energy Partners, LLC, shall file no later than July 28, 2008 a pleading stating why the conditional certificate of convenience and necessity issued to the company by the Missouri Public Service Commission should not be cancelled.

³ Commission Case No. GF-2007-0215.

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

⁵ Section 393.170.3 RSMo. 2000.

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

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

2. This order shall become effective on July 17, 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)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of July, 2008.