

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MISSOURI PUBLIC SERVICE COMMISSION,
APPELLANT**

vs.

**ONEOK, INC., et al,
RESPONDENT**

DOCKET NUMBER WD70666

DATE: DECEMBER 8, 2009

Appeal from:

Jackson County Circuit Court
The Honorable John R. O'Malley, Judge

Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

Jennifer L. Heintz, for Appellant

William J. Foland, for Respondents

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MISSOURI PUBLIC SERVICE COMMISSION, APPELLANT

v.

ONEOK, INC., et al., RESPONDENTS

WD70666

Jackson County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

After several Missouri local distribution companies assigned claims to the Missouri Public Service Commission, the Commission filed a petition seeking damages against various suppliers of natural gas. The trial court dismissed the Commission's petition for lack of standing. The Commission appeals.

AFFIRMED.

Division Two holds:

Where the Commission had no statutory authority to receive assignments of claims from local distribution companies and assert private causes of action for damages, and the Commission did not show that such actions were necessary or proper to carry out its specifically granted powers, the trial court did not err in dismissing the Commission's petition for lack of standing.

Opinion by: Victor C. Howard, Judge

Date: December 8, 2009

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