

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 9th day of  
November, 2006.

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2006-0491</u></b>
	)	
Missouri Pipeline Company, LLC, and	)	
Missouri Gas Company, LLC,	)	
	)	
Respondents.	)	

**ORDER REGARDING RECLASSIFICATION OF INFORMATION**

Issue Date: November 9, 2006

Effective Date: November 9, 2006

On October 27, 2006, the Commission's Staff filed a motion asking the Commission to order Missouri Pipeline Company, LLC, and Missouri Gas Company, LLC, to review the testimony and exhibits filed by Staff witness, Robert Schallenberg, to determine what portions of that testimony should remain highly confidential and what portion should be reclassified as public information. Staff asks that Missouri Pipeline and Missouri Gas perform the same review on the transcript of the deposition of David Ries, which has also been designated as entirely highly confidential.

Missouri Pipeline and Missouri Gas filed a response to Staff's motion on November 2, arguing that there is a very large amount of testimony that will need to be

reviewed and suggesting that they be allowed until December 1 to complete that review process.

The question of the appropriate designation of the testimony acquired additional urgency on November 3 when the Commission struck the direct testimony submitted on behalf of the Municipal Gas Commission of Missouri by Eve Lissik. The Commission took that action because Ms. Lissik had been given access to highly confidential information in violation of the terms of the protective order entered by the Commission. If the information that Lissik was given was not properly classified as highly confidential, her testimony might appropriately be resubmitted.

In response to the Commission's order striking the testimony of its witness, the Municipal Gas Commission filed a motion on November 3, asking the Commission to require Missouri Pipeline and Missouri Gas to comply with the Commission's protective order by filing a pleading, within five days, explaining the specific grounds for its designation of information as highly confidential. Missouri Pipeline and Missouri Gas responded to the Municipal Gas Commission's motion on November 7.

Missouri Pipeline and Missouri Gas responded in general that the information it has designated as highly confidential is "information related to the identity of customers of either the pipelines or Omega, customer pricing, customer-specific contract terms, volume information, or personnel information." Missouri Pipeline and Missouri Gas also indicate that they are reviewing the voluminous testimony and other material to determine what information should be reclassified. Again, they suggest that they can complete that process by December 1.

The Commission's Staff also responded to the Municipal Gas Commission's motion on November 7, and at the same time replied to Missouri Pipeline and Missouri Gas' suggestion that they could not complete their review of testimony until December 1. Staff points out that surrebuttal testimony is to be filed on November 17. Unless Missouri Pipeline and Missouri Gas provide the grounds for designation of material as highly confidential before that time, Staff and the other parties will be required to file much of their surrebuttal testimony as highly confidential. As a result, the witnesses for the Municipal Gas Commission, as well as witnesses for other parties, will be precluded from viewing and responding to much of that testimony. To avoid that problem, Staff argues that Missouri Pipeline and Missouri Gas should be required to complete their review of the testimony and depositions by November 14.

This case is set for hearing beginning on December 13, 2006. Missouri Pipeline and Missouri Gas' suggestion that they be allowed until December 1 to review and designate specific portions of testimony as highly confidential, proprietary, or public is unreasonable in that it would deny access to that information to the expert witnesses for some of the parties until very close to the start of the hearing. Indeed, if as seems likely, the Commission is required to resolve disagreements between the parties about how that information should be classified, a final resolution might not be reached until after the hearing. That is not acceptable, and the Commission will require Missouri Pipeline and Missouri Gas to act more promptly.

Staff argues for a November 14 deadline. That date is fast approaching and the Commission is aware that Missouri Pipeline and Missouri Gas will be required to review a large amount of material. However, this is an important task that requires prompt action.

The Commission will require Missouri Pipeline and Missouri Gas to complete their review by November 14.

As they review the material and determine the extent to which they believe information should be protected from disclosure, Missouri Pipeline and Missouri Gas are reminded that the protective order allows for two levels of protection. A designation as proprietary will protect information from disclosure to the public, while allowing it to be viewed by an employee expert witness who has agreed to hold that information in confidence. A highly confidential designation should be used only to protect information that truly requires a higher level of protection. To the extent that Missouri Pipeline and Missouri Gas cannot justify a designation of information as highly confidential, the Commission may order that such information be designated as proprietary.

**IT IS ORDERED THAT:**

1. No later than November 14, 2006, Missouri Pipeline Company, LLC, and Missouri Gas Company, LLC, shall file a pleading indicating specifically what portions of the prefiled direct testimony of Robert E. Schallenberg should be designated as highly confidential, what portions should be designated as proprietary, and what portions may be designated as public.

2. No later than November 14, 2006, Missouri Pipeline Company, LLC, and Missouri Gas Company, LLC, shall file a pleading indicating specifically what portions of the transcript of the deposition testimony of David Ries should be designated as highly confidential, what portions should be designated as proprietary, and what portions may be designated as public.

3. This order shall become effective on November 9, 2006.

**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, Gaw, Clayton, and Appling, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge