BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Staff of the Missouri Public Service Commission,)	
Commission,)	
Complainant,)	
V.)	
)	
Missouri Pipeline Company, LLC,)	Case No. GC-2006-0378
Missouri Gas Company, LLC, Omega)	
Pipeline, LLC, Mogas Energy, LLC,)	
United Pipeline Systems, Inc., and)	
Gateway Pipeline Company, LLC)	
)	
Respondents.)	

STAFF'S RESPONSE TO THE COMMISSION'S OCTOBER 5, 2006 ORDER DIRECTING RESPONSE

COMES NOW Staff of the Public Service Commission and in Response to the Commission's October 5, 2006 Order Directing Filing states:

- 1. On September 26, 2006, Staff filed a Motion asking the Commission to permit Staff to go to Circuit Court to enforce this Commission's subpoena issued for David J. Ries to appear, bring documents and to give testimony.
- 2. In support of its Motion Staff indicated that Mr. Ries had attended his deposition but had refused without valid excuse including no objection by his attorney, no recognized privilege, and without just cause, to answer questions about Omega's business activities as they relate to MGC and MPC.
- 3. Staff has received information that Respondents "intend" to make Mr. Ries available on the 16th for deposition, but Staff does not consider that to be any type of

guarantee that he will actually appear, produce all of the documents listed in the Subpoena and answer questions.

- 4. There is no agreement between Staff and the Respondents regarding the taking of the deposition or production of subpoenaed documents.
- 5. This Commission through its subpoena power has already ordered Mr. Ries to produce documents, appear for deposition, and answer questions. The Commission could also issue a direct order that Mr. Ries appear and produce the subpoenaed documents. Otherwise, the Staff renews its request for an order that Staff may proceed to Circuit Court to enforce the Commission's subpoena.

WHEREFORE Staff requests the Commission issue its order that Mr. Ries appear for deposition and produce all requested documents or permit Staff to proceed to Circuit Court to enforce the Commission's Subpoena *duces tecum* issued to David Ries.

Respectfully submitted,

/s/ Lera L. Shemwell

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October, 2	2006.												

$/_{\rm S}/$	Lera	L.	Shemwell	