

LAW OFFICES  
**BRYDON, SWEARENGEN & ENGLAND**  
PROFESSIONAL CORPORATION

DAVID V.G. BRYDON  
JAMES C. SWEARENGEN  
WILLIAM R. ENGLAND, III  
JOHNNY K. RICHARDSON  
GARY W. DUFFY  
PAUL A. BOUDREAU  
SONDRA B. MORGAN  
CHARLES E. SMARR

312 EAST CAPITOL AVENUE  
P.O. BOX 456  
JEFFERSON CITY, MISSOURI 65102-0456  
TELEPHONE (573) 635-7166  
FACSIMILE (573) 635-3847  
E-Mail: dcooper@brydonlaw.com

DEAN L. COOPER  
MARK G. ANDERSON  
GREGORY C. MITCHELL  
BRIAN T. MCCARTNEY  
DIANA C. FARR  
JANET E. WHEELER

OF COUNSEL  
RICHARD T. CIOTTONE

May 27, 2004

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

**FILED<sup>2</sup>**

MAY 27 2004

Missouri Public  
Service Commission

RE: *Roy Smith v. Missouri Gas Energy*  
Case No. GC-2004-0281

Dear Mr. Roberts:

Enclosed for filing on behalf of Missouri Gas Energy in the above-referenced matter are the original and eight (8) copies of MGE's Motion/Request for *Subpoena Duces Tecum*.

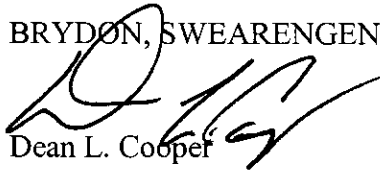
A copy of the foregoing document has been hand-delivered or mailed this date to each party of record.

Thank you for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
Dean L. Cooper

DLC/jar

Enclosures

cc: Dan Joyce, Office of the General Counsel  
Office of the Public Counsel  
Mr. Roy Smith

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

MAY 27 2004

Missouri Public  
Service Commission

Roy Smith,

)

)

Complainant,

)

)

v.

)

Case No. GC-2004-0281

)

Missouri Gas Energy,

)

)

Respondent.

)

**MOTION/REQUEST FOR SUBPOENA DUCES TECUM**

COMES NOW Missouri Gas Energy, a division of Southern Union Company ("MGE"), and, in accordance with Missouri Public Service Commission ("Commission") Rule 4 CSR 240-2.100, moves/requests the Commission to issue the subpoena *duces tecum* described herein:

1. On May 6, 2004, the Commission issued its Order Setting Hearing, which, among other things, set this matter for hearing on July 19, 2004.

2. MGE seeks to take the deposition of Ms. Robin Miller of Kansas City Power & Light Company ("KCPL") prior to the hearing of this case. It is MGE's belief that Ms. Miller has responsibility for, and access to, KCPL's account records concerning electric service provided to 5823 E. 16<sup>th</sup> Street. An issue in this matter is whether or not the Complainant, Mr. Roy Smith, had the benefit and use of natural gas service at 5823 E. 16<sup>th</sup> Street, Kansas City, Missouri, prior to June 1, 2003. Relevant to this issue is Mr. Smith's relationship, or lack thereof, with a Mr. Jeffrey Robert Elder, in whose name natural gas service was provided at 5823 E. 16<sup>th</sup> Street prior to June 1, 2003.

3. MGE believes that KCPL's records concerning the account history for electric service provided to 5823 E. 16<sup>th</sup> Street will establish, at a minimum, that such electric service was provided

in Mr. Elder's name during the time natural gas services were being provided in Mr. Smith's name and that Mr. Smith made payment to KCPL on a bill issued in Mr. Elder's name.

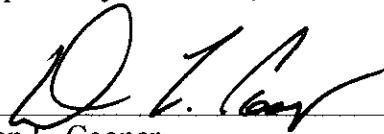
4. Therefore, MGE asks that Ms. Miller be directed to testify at a deposition on the 21<sup>st</sup> day of June, 2004, at 2:00 p.m. at the offices of KCPL, 1201 Walnut, 20<sup>th</sup> Floor, Kansas City, MO 64106, and to produce at such deposition the following records:

Records concerning Kansas City Power & Light Company's electric service provided at 5823 E. 16<sup>th</sup> Street, Kansas City, Missouri, for the period beginning August 1, 2002, and ending December 31, 2003, to include billing and payment records and customer communications for accounts in the name of Jeffrey Robert Elders and/or Roy David Smith.

5. Attached hereto as Appendix A is the subpoena *duces tecum* requested by MGE on the form provided by the Commission.

WHEREFORE, Respondent, Missouri Gas Energy, respectfully requests that the Commission issue the subpoena *duces tecum* described herein and attached hereto as Appendix A.

Respectfully submitted,



Dean L. Cooper MBE#36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 635-3847 facsimile  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)  
ATTORNEYS FOR MISSOURI GAS ENERGY

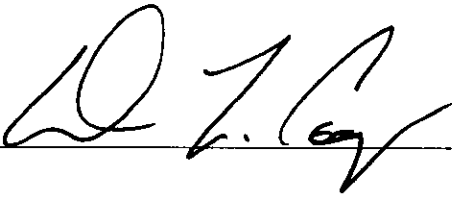
### CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by U.S. Mail, postage prepaid, on May 27, 2004, to the following:

Office of the General Counsel  
Governor Office Building  
Jefferson City, MO 65101

Office of the Public Counsel  
Governor Office Building  
Jefferson City, MO 65101

Mr. Roy Smith  
5823 E. 16<sup>th</sup> Street  
Kansas City, MO 64126



---

## APPENDIX A

**ATTACHMENT 1**  
**TO SUBPOENA *DUCES TECUM***

Records concerning Kansas City Power & Light Company's electric service provided at 5823 E. 16<sup>th</sup> Street, Kansas City, Missouri, for the period beginning August 1, 2002, and ending December 31, 2003, to include billing and payment records and customer communications for accounts in the name of Jeffrey Robert Elders and/or Roy David Smith.