

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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JAN 26 2007

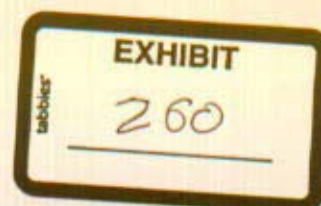
Missouri Public  
Service Commission

PUBLIC SERVICE COMMISSION vs.  
MISSOURI PIPELINE COMPANY, ET AL.

Case No. GC-2006-0491

DEPOSITION OF DAVID RIES  
TAKEN ON BEHALF OF THE COMPLAINANT JULY 21, 2006  
VOLUME 2

*Staff* Exhibit No. 260  
Case No(s). GC-2006-0491  
Date 12/13/06 Rptr MV





1 A Yes.

2 MS. SHEMWELL: And we will continue the deposition  
3 until we get a ruling on this issue, so we will leave it open  
4 at the end until we see what the ruling is.

5 Q (By Ms. Shemwell) Did you discuss B.J.'s  
6 deposition with him after the deposition?

7 A Just generally. Obviously B.J. wanted to know how  
8 well he did and --

9 Q How well did he do?

10 A I thought he did okay.

11 Q What entity paid him to attend the deposition?

12 A Missouri Pipeline Company.

13 Q And in B.J.'s deposition there was a line of  
14 questions about posting customer accounts receivable and  
15 revenue each month to the MPC and MGC general ledgers. Do  
16 you recall that discussion?

17 A Generally, yes.

18 Q He indicated that paper copies of these customer's  
19 bills existed from the time he started keeping them I guess  
20 until the date that he left the company. Are those paper  
21 copies still maintained?

22 A The paper copies that B.J. talks about does not  
23 have the back up information; it only has the top sheet.

24 Q Are those still maintained?

25 A Those have actually been produced.

1 Q So any -- pardon me. My recollection is that he  
2 was talking about a cover sheet and then several sheets  
3 behind that; is that not your recollection?

4 A That's what he said, but that's not what was  
5 provided to B.J. He only had the top sheets and typically  
6 B.J. would write all over those top sheets so he didn't have  
7 clean copies nor did he have a complete copy of the invoice,  
8 which is what was requested in a data production by staff and  
9 has taken time to recreate those.

10 Q Do you know why he said he -- I'm going to try to  
11 quote him -- lasted four years?

12 A I don't know. Maybe he felt lucky.

13 Q Are you speculating? Do you have any idea what he  
14 meant?

15 A I'm just speculating on what he may have meant.

16 Q I would like to discuss Georgia-Pacific. Are you  
17 familiar with the business called Georgia-Pacific?

18 A Again, you're back to talking about Omega's  
19 business relationship with its customers.

20 Q I will then reserve those until we get a ruling on  
21 those questions and other questions about Omega and the  
22 billing.

23 I'm going to hand you this invoice and ask if that  
24 is also -- which I believe you have -- if this is a document  
25 about which you are refusing to answer questions today.

1 A Well, this says it's an invoice from Omega Pipeline  
2 so, yes, I would refuse to answer this.

3 Q I'm going to hand you what I believe will be  
4 Exhibit 10. It's my understanding that this is a contract  
5 with the City of Cuba; do you agree with that?

6 A Well, what I looked at here is an ordinance that  
7 was signed off and passed by the City of Cuba.

8 Q And did you consider that to define your  
9 contractual relationship with the City of Cuba?

10 A You're talking about, again, a business transaction  
11 of Omega Pipeline. I am not comfortable answering those  
12 questions without legal representation.

13 Q Let's just go through a few of these questions and  
14 just tell me if you're comfortable answering any of these  
15 questions.

16 Are these agreements for firm transportation?

17 A And I'm not going to discuss Omega's business.

18 Q Are there any transportation agreements for  
19 interruptible transportation?

20 A Again, I'm not going to discuss Omega's business,  
21 but if you've got copies of them you're free to read them and  
22 they would stand on their even merits.

23 MS. SHEMWELL: Rather than me going through each of  
24 these questions, I will just say that we will reach an  
25 understanding that related to Omega's business we will seek a

1 decision from the Commission and or the Court, probably both.  
2 and we will defer the remaining questions until that time.

3 I'd like to mark this as Exhibit 11.

4 Q (By Ms. Shemwell) Would you look through those  
5 documents, please, Mr. Ries.

6 Are these documents that you are willing to discuss  
7 today?

8 A No.

9 Q We will then defer those.

10 This will be Exhibit 12. On the top is a letter  
11 from Lathrop Gage signed by Aimee D.G. Davenport,  
12 D-a-v-e-n-p-o-r-t. Is that the document that you have in  
13 front of you?

14 A One dated June 27, 2006?

15 Q Yes.

16 A Yes.

17 Q The next page is data request 007 from Missouri --  
18 or for Missouri Pipeline Company requested from Paul DeFord  
19 and requested by David Summerer. And the response which I  
20 believe you provided is attached to that; is that correct?

21 A That's correct.

22 Q And there's a facilities agreement between MRT and  
23 MIG, right?

24 A That's correct.

25 Q And it's the 9th day of September, 2002, stamped at