

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

December 6, 2010

Jefferson City, Missouri

Volume 1

The Staff of the Missouri)
Public Service Commission,))
Complainant,))
v.) File No. GC-2011-0100)
Missouri Gas Energy, A,)
Division of Southern Union)
Company,))
Respondent.))

NANCY DIPPELL, Presiding
CHIEF REGULATORY LAW JUDGE

REPORTED BY:
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TIGER COURT REPORTING, LLC

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1 JUDGE DIPPELL: We're ready to go on the
2 record. This is Case No. GC-2011-0100, the staff of
3 the Missouri Public Service Commission, Complainant,
4 versus Missouri Gas Energy, a division of Southern
5 Union Company, Respondent.

6 My name is Nancy Dippell. I'm the
7 regulatory law judge assigned to this case. And
8 we've come here today for a prehearing conference.

9 I'll begin by letting the attorneys make
10 their entries of appearance. I believe you've all
11 made written entries, but give me your name and who
12 you're representing and that will be sufficient.

13 Thank you.

14 Mr. Thompson.

15 MR. THOMPSON: Thank you. Kevin Thompson
16 for the Staff of Missouri Public Service Commission,
17 Post Office Box 360, Jefferson City, Missouri 65102.

18 JUDGE DIPPELL: Mr. Poston.

19 MR. POSTON: Marc Poston appearing for
20 the Office of the Public Counsel and the public.

21 JUDGE DIPPELL: Mr. Boudreau.

22 MR. BOUDREAU: Good morning. Paul
23 Boudreau appearing on behalf of the Respondent,
24 Missouri Gas Energy, a Division of Southern Union
25 Company.

1 JUDGE DIPPELL: Well, the motions were
2 coming so fast and furiously last week and the
3 responses to the motions, I didn't have an
4 opportunity to ask you all if you would have
5 preferred to postpone the prehearing conference
6 until --

7 MR. THOMPSON: Just so we could file a
8 few more motions.

9 JUDGE DIPPELL: Yeah. That was my fear.

10 MR. THOMPSON: Or responses, replies to
11 responses.

12 JUDGE DIPPELL: My fear is that that
13 would have allowed you to.

14 But obviously the Commission has not had
15 a chance to take up any of these motions. Besides
16 the various motions, is there anything else on the
17 horizon that I should know about? We have a motion
18 of summary determination, a motion to dismiss, a
19 motion to strike.

20 MR. THOMPSON: Was that a motion to
21 strike counsel?

22 JUDGE DIPPELL: Yeah. That one -- that
23 will come from the bench, so. Actually we have -- we
24 have two motions to strike.

25 MR. BOUDREAU: Uh-huh.

1 JUDGE DIPPELL: So is there anything else
2 that I need to be aware of?

3 MR. BOUDREAU: In terms of things that
4 need to be dealt with today?

5 JUDGE DIPPELL: Yeah.

6 MR. BOUDREAU: Not to my knowledge.

7 JUDGE DIPPELL: Or in terms of how you
8 see this coming down the -- down the pike. I mean,
9 obviously the Commission will have to determine the
10 motion to dismiss and the motion for summary
11 determination before you can really figure out if
12 you're going to have a hearing.

13 MR. BOUDREAU: Yeah. I guess as my only
14 observation, the timing of that, depending on how the
15 Commission rules on one or the other of those, the
16 procedural --

17 MR. THOMPSON: You get 30 days to respond
18 to the motion of summary determination, so that's not
19 ripe yet.

20 MR. BOUDREAU: Yeah.

21 JUDGE DIPPELL: Okay. Well, I --

22 MR. BOUDREAU: I guess my thinking, and
23 I'll -- I haven't discussed this with Kevin or Marc,
24 is that I don't see any reason why we can't just go
25 ahead and start working on the concept of a

1 procedural schedule. And however these other matters
2 play out, they may or may not become moot for what
3 we're doing, but I didn't see any reason not to come
4 here today to talk about what the orders addressed.

5 JUDGE DIPPELL: Do you see the need for
6 me to rule on the other motions prior to the motion
7 for summary determination coming ripe, or will it
8 be all right for those things to be all sort of one
9 big --

10 MR. THOMPSON: I think it could certainly
11 be just one big answer I guess, one big order.

12 MR. BOUDREAU: One of the things I'm
13 trying to get my head wrapped around procedurally is
14 I'm considering -- and just, this may or may not
15 happen, but I'm considering filing something to ask
16 for an extension of time to the filing of the
17 response on the motion for summary determination to
18 allow some other events to play themselves out. And
19 that's --

20 JUDGE DIPPELL: Uh-huh.

21 MR. BOUDREAU: I haven't made a decision
22 about what to do on that yet, so there may yet be
23 another pleading. But I'm still not sure that that
24 would change moving ahead if the other parties are
25 amenable to it, to try and work out a procedural

1 schedule.

2 JUDGE DIPPELL: Right. I think you guys
3 should go ahead and start talking about that because
4 the Commission after the first of the year, frankly,
5 is booked.

6 MR. BOUDREAU: But in terms of needing a
7 ruling on any particular matter to move ahead today,
8 I'm not sure that I see it. I'll defer to my
9 colleagues to see if they see it differently.

10 JUDGE DIPPELL: I just want to make sure
11 that if I let those others sit and catch up with this
12 one that I won't be delaying anything.

13 MR. THOMPSON: No, I don't think so.

14 MR. BOUDREAU: I don't think so.

15 JUDGE DIPPELL: All right. So with that,
16 like I said, I didn't bring a copy of the
17 Commission's calendar down, but I was looking at it
18 last week and after the first of the year there's
19 like February 28th and April 1st are open.

20 MR. BOUDREAU: Yeah. I took a look at
21 the hearing calendar. I don't know how up to date
22 the one on the Commission's website is. It looks
23 like January and February are pretty well jammed up.
24 Beyond that it's kind of hit and miss. There are
25 some other weeks that are busy and some that are

1 open.

2 JUDGE DIPPELL: Well, some of that may
3 have been other prehearing conferences, public
4 hearings.

5 MR. BOUDREAU: That's true.

6 JUDGE DIPPELL: The big wall calendar is
7 pretty --

8 MR. BOUDREAU: Yeah, that true. Through
9 the end of February, it's --

10 JUDGE DIPPELL: Through the end of March.

11 MR. BOUDREAU: Through the end of March.

12 JUDGE DIPPELL: You all see what fits
13 into your schedule. And just, there's been a bunch
14 of rate cases as you all know, so.

15 Anything else that you'd like to put on
16 the record this morning?

17 MR. BOUDREAU: Not at this time. Will
18 you be available if we need --

19 JUDGE DIPPELL: I should be available
20 today. I have a meeting at 10:30, but other than
21 that if you have any questions about scheduling or
22 procedure --

23 MR. BOUDREAU: Okay.

24 JUDGE DIPPELL: -- let me know.

25 All right. Then I guess that's all we

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need to do on the record, so we can go off the record.

(Off the record.)

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CERTIFICATE

I, Shelley L. Mayer, a Certified Court Reporter, CCR No. 679, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony which appears in the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Shelley L. Mayer, CCR

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