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. Nissouri Gas Energy, A, Division of Southern Union) Company, Respondent.

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NANCY DIPPELL, Presiding CHIEF REGULATORY LAW JUDGE

REPORTED BY: Shelley L. Mayer, CCR TIGER COURT REPORTING, LLC

1 **APPEARANCES** 2 MR. KEVIN THOMPSON 3 Public Service Commission 200 Madison Street, Suite 800 P.O. Box 360 4 Jefferson City, Missouri 65102-0360 5 573.751.6514 FOR: Staff 6 7 MR. MARC POSTON 8 Office of the Public Counsel 200 Madison Street, Suite 650 9 P.O. Box 2230 Jefferson City, Missouri 65102 573.751.5558 10 FOR: Office of the Public Counsel 11 12 MR. PAUL A. BOUDREAU 13 Brydon, Swearengen & England 312 East Capitol Avenue P.O. Box 456 14 Jefferson City, MO 65102-0456 15 573.635.7166 FOR: Missouri Gas Energy 16 17 18 19 20 21 22 23 24 25

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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.

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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.		

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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		

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procedural schedule. And however these other matters
play out, they may or may not become moot for what
we're doing, but I didn't see any reason not to come
here today to talk about what the orders addressed.
JUDGE DIPPELL: Do you see the need for
me to rule on the other motions prior to the motion
for summary determination coming ripe, or will it
be all right for those things to be all sort of one
big
MR. THOMPSON: I think it could certainly
be just one big answer I guess, one big order.
MR. BOUDREAU: One of the things I'm
trying to get my head wrapped around procedurally is
I'm considering and just, this may or may not
happen, but I'm considering filing something to ask
for an extension of time to the filing of the
response on the motion for summary determination to
allow some other events to play themselves out. And
that's
JUDGE DIPPELL: Uh-huh.
MR. BOUDREAU: I haven't made a decision
about what to do on that yet, so there may yet be
another pleading. But I'm still not sure that that
would change moving ahead if the other parties are

schedule.

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2 JUDGE DIPPELL: Right. I think you guys 3 should go ahead and start talking about that because the Commission after the first of the year, frankly, 4 5 is booked. 6 MR. BOUDREAU: But in terms of needing a 7 ruling on any particular matter to move ahead today, I'm not sure that I see it. I'll defer to my 8 colleagues to see if they see it differently. 9 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. MR. BOUDREAU: I don't think so. 14 15 JUDGE DIPPELL: All right. So with that, like I said, I didn't bring a copy of the 16 17 Commission's calendar down, but I was looking at it last week and after the first of the year there's 18 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. Beyond that it's kind of hit and miss. There are 24 25 some other weeks that are busy and some that are

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1 open. 2 JUDGE DIPPELL: Well, some of that may 3 have been other prehearing conferences, public hearings. 4 5 MR. BOUDREAU: That's true. 6 JUDGE DIPPELL: The big wall calendar is 7 pretty --MR. BOUDREAU: Yeah, that true. Through 8 the end of February, it's --9 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? MR. BOUDREAU: Not at this time. Will 17 you be available if we need --18 JUDGE DIPPELL: I should be available 19 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. JUDGE DIPPELL: -- let me know. 24 25 All right. Then I guess that's all we

1	need to do on the record, so we can go off the
2	record.
3	(Off the record.)
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	CERTIFICAT	Έ
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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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