

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
v.	)	Case Nos. GC-2006-0378 and
	)	GC-2006-0491
Missouri Pipeline Company, LLC,	)	
Missouri Gas Company, LLC, et. al.	)	
	)	
Respondents.	)	

**AMENDED MOTION TO DECLASSIFY  
DATA REQUESTS AND SUBPOENA RESPONSES**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Amended Motion to Declassify Data Requests and Subpoena Responses and, in response to the Letter from Counsel for Tortoise Capital Resources and Omega Pipeline Company, LLC, states as follows:

1. To clarify, the materials Staff is requesting be declassified are the company-specific recreated bills issued by **Missouri Pipeline Company (MPC) and Missouri Gas Company (MGC)** to Omega Pipeline Company (Omega), AmerenUE and Laclede Gas Company (Laclede) and natural gas transportation nomination and delivery reports provided by MPC and MGC during the proceedings as its response to data requests and subpoenas issued by the Staff in Commission Case Numbers GC-2006-0378 and GC-2006-0491.

2. Staff is requesting the Commission declassify the MPC and MGC recreated invoices so that AmerenUE gas buyers may compare the Ameren recreated invoices to the actual invoices MPC and MGC sent AmerenUE. Likewise, Staff proposes

that Laclede gas supply personnel be able to compare MPC and MGC's recreated invoices with the invoices MPC and MGC actually sent to Laclede.

3. The recreated invoices marked as Highly Confidential are, by rule, not available to anyone other than counsel and outside experts for each utility company even though employees of each utility would have received the original invoices. 4CSR 240-2.135(4) (Highly confidential information may be disclosed only to the attorneys of record, or to outside experts that have been retained for the purpose of the case.)

4. Staff is not requesting anyone other than Laclede employees view the recreated invoices submitted to Laclede or that anyone other than Ameren employees view the recreated invoices sent to Ameren, so the request to release is limited in scope to information MPC and MGC provided to the Commission about a specific customer be released only to employees of that customer.

5. Specifically, Staff requests that the recreated invoices for AmerenUE and Laclede be declassified so that these documents may be shared with each respective Missouri LDC's technical personnel to verify and reconcile data with the actual natural gas nominations and deliveries for the periods under review.

6. This information is necessary for the Staff to complete its investigation in the Federal Energy Regulatory Commission (FERC) Docket Number CP07-450, *MoGas Request for Authorization under Blanket Certificate* because information included in the documents provides support for the actual nominations and deliveries on MoGas during days that Laclede has indicated MoGas could not deliver the gas it had nominated.

7. The Staff may also need to include the recreated invoices in future FERC filings to demonstrate what customer is responsible for costs associated with the

purported need for compression. In that event, the declassified information pertaining to Omega, AmerenUE and Laclede would be classified as confidential in any FERC filing.

8. The Staff also requests declassification of MPC/MGC's responses to GC-2006-0378 Data Request Nos. 1 and 2. Data Request No.1 contains monthly reports of daily nominations of natural gas transported through Panhandle and delivered to each MPC/MGC customer. MPC/MGC's response to GC-2006-0378 Data Request No. 2 contains similar information for MPC/MGC customer nominations through the CenterPoint Energy-Mississippi River Transmission Company. This information is needed to verify and reconcile the MPC/MGC documents with the Missouri LDCs' actual natural gas transportation nominations and deliveries.

9. The Staff's April 12, 2006 subpoena to MPC/MGC in Case No. GC-2006-0491 led to David Ries' recreation of customer invoices pertaining to gas nominations, deliveries and charges to Missouri LDCs that occurred from January 2004 through June 2006. Some of the information is over four years old and is in the Staff's view, no longer relevant because of the passage of time and the fact that effective June 1, 2008 MPC/MGC are regulated as MoGas under FERC jurisdiction and tariff rates. The nominations, deliveries and charges have little if any current relevance. In further consideration of the competitive nature of the information contained in the recreated invoices and reports, the Staff is asking that the Commission limit its declassification of the data requests and subpoena responses. The information pertaining specifically to AmerenUE and Laclede could be declassified for their review only and the entire responses provided to FERC under seal.

10. The recreated invoices that the Staff is asking be declassified were received after Staff's filing of a motion to compel and a prehearing conference at which David Ries represented that actual customer invoices were not maintained by MPC/MGC, that he would recreate the invoices and provide them to the Staff. The Case No. GC-2006-0491 Surrebuttal Testimony of Staff witness Robert Schallenberg contains the recreated invoices of Omega (Schedules D, E and F) Laclede (Schedule G) and AmerenUE (Schedule H).

11. In FERC Docket Number CP07-450 MoGas and Laclede have suggested there may be reliability issues concerning pipeline pressures and deliverability of gas to certain customers based upon alleged Panhandle Eastern Pipe Line Company pressure decreases on eleven days over a four year period. Staff questions whether the problem was on Panhandle Eastern or was the result of MoGas or Omega under-nominating deliveries which may have resulted in MoGas not being able to deliver all of the gas Laclede had nominated.

12. In order to decide whether or not to support MoGas' contention it needs compression to assure reliability, Staff needs to verify specific information related to nominations and delivery of natural gas to Missouri LDCs transporting gas through MPC/MGC during 2004-2005.

13. Since the information contained in the data request responses in Case No. GC-2006-0378 were classified as highly confidential neither AmerenUE nor Laclede technical staff have been able to view the information provided pertaining to their specific LDC and verify whether the recreated invoices are accurate.

14. Staff specifically wants to be able to share the information pertaining to AmerenUE and Laclede with the technical personnel of each Missouri LDC so that information in the responses can be verified and reconciled with the actual data maintained by the LDCs.

15. None of any other company's customer specific information will be provided to AmerenUE, or Laclede. MPC's and MGC's recreated invoices would only be provided to FERC or FERC Staff in proceedings in FERC Docket Number CP07-450 or future FERC cases in which the information was relevant.

16. The Staff has communicated with counsel for AmerenUE and Laclede Staff's desire to declassify the above mentioned data requests and subpoena responses and neither LDC have expressed a concern with the Staff's request.

17. Counsel for Omega asks the Commission to order a conference call. This request should be rejected. 4 CSR 240-2.080(9). Omega is not a party to this case and may not request Commission action in a case through a letter. Further, the information to be declassified addresses the actions of Omega's prior owners so the interest of the current owners is not clear. This amended pleading may resolve Omega's concerns. Otherwise, the Commission should require Omega to file an actual pleading requesting any action it wishes the Commission to take.

18. Counsel for Tortoise, with no foundation in truth, represents to the Commission that Omega information was mishandled and provided to a competitor. There was no mishandling of information by Staff and Staff did not release any information to a competitor. The Commission correctly saw this ploy for what it was – a complete misrepresentation designed to mislead the Commission. In Case No.

GC-2006-0491, in its Revised Report and Order the Commission correctly gave no weight to these accusations.

WHEREFORE, the Staff respectfully requests that the Commission provide limited declassification of Case No. GC-2006-0378 Data Requests 1 and 2 and Case No. GC-2006-0491 Schallenberg Surrebuttal Schedules D through H and not grant Omega any of the rights of a party to the case until or unless it is actually a party.

Respectfully submitted,

**/s/ Lera L. Shemwell**

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#### **Certificate of Service**

I hereby certify that copies of the foregoing have been emailed, mailed, hand-delivered, or transmitted by facsimile to all counsel of record this 23<sup>rd</sup> day of July 2008 and a courtesy copy has been sent to counsel for Tortoise Capital Resources Corp.

**/s/ Lera L. Shemwell**