

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS

7 Prehearing Conference

8 March 21, 2007
9 Jefferson City, Missouri
Volume 1

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12 In the Matter of the)
Application of Missouri Gas)
13 Energy, a Division of Southern)
Union Company, for a)
14 Certificate of Public)
Convenience and Necessity)Case No. GA-2007-0289
15 Authorizing It to Construct,)
Install, Own, Operate, Control,)
16 Manage and Maintain a Natural)
Gas Distribution System to)
17 Provide Gas Service in Platte)
County, Missouri, as an)
18 Expansion.)

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20 HAROLD STEARLEY, Presiding
21 REGULATORY LAW JUDGE

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REPORTED BY:

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22 Service Commission.

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1 P R O C E E D I N G S

2 JUDGE STEARLEY: Good morning. Today is
3 March 21st, 2007. We're here for a prehearing
4 conference in the matter of the application of
5 Missouri Gas Energy, a Division of Southern Union
6 Company, For a Certificate of Public Convenience and
7 Necessity Authorizing it to Construct, Install, Own,
8 Operate, Control, Manage and Maintain a Natural Gas
9 Distribution System to Provide Gas Service in Platte
10 County, Missouri as an Expansion of Its Existing
11 Certified Area.

12 It's Case Number GA-2007-0289. My name
13 is Harold Stearley. I'm the presiding officer in
14 this matter. The court reporter this morning is Pam
15 Fick.

16 And we'll begin by taking entries of
17 appearance, beginning with MGE.

18 MR. STEINER: Appearing for MGE, Roger W.
19 Steiner, 4520 Main Street, Suite 1100, Kansas City,
20 Missouri 64111.

21 JUDGE STEARLEY: Thank you, Mr. Steiner.
22 And the Empire District Gas Company.

23 MR. KEEVIL: Yes, Judge. Appearing on
24 behalf of the Empire District Gas Company, Jeffrey A.
25 Keevil of the law firm of Stewart & Keevil, LLC. Our

1 address is 4603 John Garry Drive, Suite 11, Columbia,
2 Missouri 65203.

3 JUDGE STEARLEY: Thank you, Mr. Keevil.
4 And the Staff of the Missouri Public Service
5 Commission.

6 MR. FRANSON: Robert Franson representing
7 the Staff of the Missouri Public Service Commission,
8 P.O. Box 360, Jefferson City, Missouri 65102. I
9 would also like to enter the appearance of Robert
10 Berlin also, as senior counsel, representing the
11 Staff of the Missouri Public Service Commission.

12 JUDGE STEARLEY: Thank you, Mr. Franson.
13 And the Office of Public Counsel.

14 MR. POSTON: Marc Poston appearing for
15 the Office of the Public Counsel, P.O. Box 2230,
16 Jefferson City, Missouri 65102.

17 JUDGE STEARLEY: Okay. And if I
18 understand the pleadings to this point, there seems
19 to be a little bit of dispute in who has a
20 certificate for the surrounding tracts of land for
21 the application, but as far as the individual
22 sections in which MGE is seeking a certificate, is
23 there any dispute as far as who has certification on
24 those two tracts?

25 MR. STEINER: I don't believe there's a

1 dispute there. I don't believe anyone does.

2 MR. KEEVIL: I believe that's correct,
3 Judge. But I would have to check, but I think that's
4 correct.

5 JUDGE STEARLEY: All right. Were there
6 any preliminary matters that I need to address today?

7 MR. STEINER: I don't believe so, your
8 Honor.

9 MR. FRANSON: Judge, I would ask, not
10 necessarily that we -- I'm sure we'll talk here
11 shortly, but perhaps not, just asking for a -- I
12 don't know if you were, but quite often it is
13 customary that we get a request, "Please give us a
14 procedural schedule in a week." Could we, instead of
15 in a week, give you a progress report in a week or
16 two weeks? Would that be agreeable to everyone?

17 JUDGE STEARLEY: It's agreeable to me.

18 MR. STEINER: I'd like to get a
19 procedural schedule set. I don't have a problem with
20 a progress report at the same time, but --

21 JUDGE STEARLEY: Okay.

22 MR. KEEVIL: Well, I think it would be
23 premature to set a procedural schedule myself.

24 MR. FRANSON: That's why --

25 MR. KEEVIL: That was something I was

1 going to bring up after the parties discuss --

2 MR. STEINER: Do you want to talk about
3 settlement, Jeff? Or why?

4 MR. KEEVIL: Well, we can talk.

5 MR. STEINER: I'm just curious why we
6 wouldn't set a procedural schedule.

7 MR. KEEVIL: Because it's premature at
8 this point.

9 MR. STEINER: But why is it premature?

10 MR. KEEVIL: Lots of reasons.

11 MR. STEINER: Which are?

12 MR. FRANSON: Because we don't know --
13 Judge, perhaps we should.

14 JUDGE STEARLEY: I do have a procedural
15 schedule due for next week. Obviously the parties
16 are gonna have an opportunity here as I leave to
17 discuss these matters, and maybe you'll decide to
18 reach a different course here.

19 MR. STEINER: Well, your Honor, if --
20 I'm sorry.

21 JUDGE STEARLEY: Go ahead.

22 MR. STEINER: If we decide that we would
23 rather do a -- instead of a procedural schedule, file
24 something else such as a progress report, if we agree
25 to that, then could we file something saying instead

1 of a procedural schedule, you'll be getting a
2 progress report?

3 JUDGE STEARLEY: Certainly.

4 MR. STEINER: Maybe it's a good idea.

5 JUDGE STEARLEY: You're certainly free
6 to do that, and we can change the requirement for a
7 procedural schedule if all the parties are in
8 agreement.

9 MR. FRANSON: Judge, we'll know about
10 those kinds of things once we have our discussion
11 today, so ...

12 JUDGE STEARLEY: Okay. And this may be
13 a little hard for you to predict right now, but I did
14 want to ask you all how long you thought you would be
15 needing a conference room today? Because we
16 potentially have a discovery conference that I need
17 to find a room for this afternoon.

18 MR. FRANSON: What time do you need it
19 for?

20 JUDGE STEARLEY: 1:30.

21 MR. STEINER: I would think we'd be done
22 by then. I have to be somewhere at noon that would
23 be hard to change, so I would think so.

24 JUDGE STEARLEY: Okay. Very good. Were
25 there any other matters I need to take up with the

1 parties at this time?

2 MR. FRANSON: No, no, Judge.

3 JUDGE STEARLEY: All right. Well, with
4 that, we'll conclude the recorded portion of the
5 prehearing conference and I'll leave you to your
6 discussions.

7 (WHEREUPON, the recorded portion of the
8 prehearing conference was concluded.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)
3) ss.
4 COUNTY OF COLE)
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6 I, PAMELA FICK, RMR, RPR, CSR, CCR #447,
7 within and for the State of Missouri, do hereby
8 certify that the foregoing proceedings were taken by
9 me to the best of my ability and thereafter reduced
10 to typewriting under my direction; that I am neither
11 counsel for, related to, nor employed by any of the
12 parties to the action to which this hearing was
13 conducted, and further that I am not a relative or
14 employee of any attorney or counsel employed by the
15 parties thereto, nor financially or otherwise
16 interested in the outcome of the action.

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