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1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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4 TRANSCRIPT OF PROCEEDINGS
5
6 PREHEARING CONFERENCE
7
8 February 14, 2006
9 Jefferson City, Missouri

10 Volume 1

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12 Staff of the Missouri Public)
Service Commission,)
13)
Complainant,)
14)
vs.) Case No. GC-2006-0182
15)
Sendero SMGC LP Acquisition)
16 Company and Sendero SMGC GP)
Acquisition Company, d/b/a)
17 Southern Missouri Gas Company,)
L.P.,)
18)
Respondents.)

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21 MORRIS L. WOODRUFF, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.
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23 REPORTED BY:
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25 STEPHANIE L. KURTZ MORGAN, RPR, CCR
MIDWEST LITIGATION SERVICES

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FOR: Staff of the Missouri Public Service
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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: We'll go on the record, then.

3 Good morning, everyone. Welcome to the prehearing
4 conference in Case No. GC-2006-0182. My name is Morris
5 Woodruff. I'm the Regulatory Law Judge assigned to this case.

6 Let's go ahead and take entries of appearance.

7 First of all, for the Staff?

8 MR. SCHWARZ: Tim Schwarz, Deputy General Counsel,
9 P. O. Box 360, Jefferson City, Missouri 65102, appearing for
10 the Staff of the Commission.

11 JUDGE WOODRUFF: Thank you.

12 And for Southern Missouri Gas?

13 MR. FISCHER: Jim Fischer, Fischer & Dority, P.C.,
14 101 Madison Street, Suite 400, Jefferson City, Missouri 65101,
15 appearing on behalf of -- I guess it's actually Sendero
16 SMGC LP Acquisition Company.

17 JUDGE WOODRUFF: Okay. And for Public Counsel?

18 MR. MILLS: Lewis Mills. My address is Post Office
19 Box 2230, Jefferson City, Missouri 65102, appearing on behalf
20 of the Public Counsel and the Public.

21 JUDGE WOODRUFF: All right. And a few minutes ago
22 a notice of a dismissal was filed by Staff.

23 Mr. Schwarz, do you want to tell us what that was
24 about?

25 MR. SCHWARZ: Well, Staff has further investigated

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1 the matter with Sendero, and is of the opinion that the
2 failure to retain a general manager in the appointed time was
3 excusable.

4 Staff believes that the most expeditious and
5 efficient way of -- of answering any Commission questions on
6 the matter would be if -- if the Commission could meet or deal
7 directly with the involved Staff members. And -- and we think
8 that by dismissing the complaint will give them the
9 opportunity to do so, if they're so inclined.

10 And, of course, the Commission can file a complaint
11 on its own motion if it's -- if it does not concur with the
12 Staff that the delay was excusable.

13 JUDGE WOODRUFF: All right. Thank you.

14 Mr. Mills or Mr. Fischer, anything you want to put
15 on the record?

16 MR. FISCHER: No, Your Honor. That seems like a
17 good way to handle it at this time, to -- to the Company.

18 JUDGE WOODRUFF: Okay. Mr. Mills?

19 MR. MILLS: I -- I've got nothing to add to the
20 record. Thank you.

21 JUDGE WOODRUFF: All right. Well, as you're well
22 aware, the Commission rule on this, 242.116(1), allows Staff
23 or any other Complainant to dismiss their complaint at any
24 time before evidence has been offered.

25 And without any further order from the Commission,

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1 there's not been any evidence offered in this case. So Staff
2 has dismissed its complaint. At this point the -- the case
3 is -- the complaint is dismissed.

4 I will issue an order in -- or excuse me -- a
5 notice in the case just acknowledging the filing of that
6 dismissal and closing the case.

7 MR. SCHWARZ: And if -- you know, I -- I would
8 appreciate it if you would communicate to either individual
9 Commissioners or the Commission that Staff would be available
10 at their convenience to provide --

11 JUDGE WOODRUFF: Sure.

12 MR. SCHWARZ: -- you know, some detail on -- on
13 things.

14 JUDGE WOODRUFF: And before we got on to the
15 record, you mentioned the names of Warren Wood, Dave Summer
16 were --

17 MR. SCHWARZ: Yes.

18 JUDGE WOODRUFF: -- the ones that had looked into
19 this?

20 MR. SCHWARZ: Yes.

21 JUDGE WOODRUFF: All right. Anything further?

22 (NO RESPONSE.)

23 JUDGE WOODRUFF: With that then, this prehearing is
24 adjourned, and we'll go off the record.

25 WHEREUPON, the on-the-record portion of the

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1 prehearing conference was concluded.

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