

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 22nd day of April, 2009.

In the Matter of Laclede Gas Company's Purchased Gas Adjustment for 2005-2006)	
)	<u>Case No. GR-2006-0288</u>
)	
In the Matter of Laclede Gas Company's Purchased Gas Adjustment (PGA) Factors to be Audited in its 2004-2005 Actual Cost Adjustment)	
)	<u>Case No. GR-2005-0203</u>
)	

ORDER DENYING MOTION TO COMPEL

Issue Date April 22, 2009

Effective Date: April 22, 2009

The Staff of the Commission filed a motion to compel Laclede Gas Company to produce certain highly confidential information concerning an affiliate of Laclede. On October 20, 2008, the Commission issued an order granting Staff's motion. Since that time, various pleadings have been filed by the parties concerning the discovery Staff seeks. On March 26, 2009, the Commission heard oral argument on the issue of discovery.

As the Commission pointed out in its October order, Commission rule 4 CSR 240-2.090(1) states that discovery may be obtained by the same means and under the same conditions as in civil actions. Under the rules of civil procedure, "it is not grounds for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."¹

¹ Missouri Rule of Civil Procedure, Rule 56.1.

Upon hearing the arguments of Staff and Laclede the Commission is convinced that the information Staff seeks is not reasonably calculated to lead to the discovery of admissible evidence.

THE COMMISSION ORDERS THAT:

1. The Staff of the Commission's motion to compel is denied.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Murray, Davis, and Jarrett, CC., concur.
Clayton, Chm., and Gunn, C., dissent.

Jones, Senior Regulatory Law Judge