

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

Yvonne Ferguson,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2009-0138</u></b>
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**ORDER GRANTING MGE’S MOTION FOR VARIANCE**

Issue Date: January 21, 2009

Effective Date: January 21, 2009

On October 16, 2008, Yvonne Ferguson filed a complaint against Missouri Gas Energy. MGE filed an answer, and Staff filed a report, which it designated as Highly Confidential.

The Commission ordered Ms. Ferguson to reply to Staff’s and MGE’s pleadings. Because Staff’s report was Highly Confidential, the Commission ordered Ms. Ferguson’s reply to those pleadings to also be Highly Confidential.

On January 9, 2009, MGE filed a motion for variance. MGE explained that the Commission’s rule on Highly Confidential information would prevent MGE employees from reviewing Ms. Ferguson’s reply to Staff’s and MGE’s pleadings. MGE asks the Commission for a variance from that rule, and for the Commission to designate the information as proprietary instead. That way, according to MGE, the information is still protected from public viewing, but MGE employees may see the information. Finally, MGE asserted that Staff supports MGE’s motion.

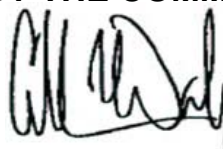
Commission Rule 4 CSR 240-2.080(15) allows parties ten days to respond to pleadings. No party responded to MGE's motion. Therefore, the Commission will take it up unopposed.

The Commission finds MGE's motion reasonable, and will grant it.

**THE COMMISSION ORDERS THAT:**

1. MGE's Motion for Variance is granted.
2. The parties and the Commission's Data Center shall reclassify any information filed as Highly Confidential in this case as Proprietary.
3. MGE shall file a pleading no later than January 31, 2009, stating whether its employees have reviewed Yvonne Ferguson's most recent pleading, and whether MGE is ready to proceed to a prehearing conference.
4. This order shall become effective immediately on issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a faint, circular official seal.

Colleen M. Dale  
Secretary

( S E A L )

Ronald D. Pridgin, Senior Regulatory Law  
Judge, by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 21<sup>st</sup> day of January, 2009.