

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at the University of
Missouri in Kansas City, Missouri, on
the 9th day of September, 2009.

In the Matter of Missouri Gas Energy and)	
Its Tariff Filing to Implement a General Rate)	<u>File No. GR-2009-0355</u>
Increase for Natural Gas Service)	

**ORDER GRANTING STAFF'S MOTION
TO COMPEL PRODUCTION OF DOCUMENTS**

Issue Date: September 9, 2009

Effective Date: September 9, 2009

On April 2, 2009,¹ Missouri Gas Energy, a division of Southern Union Company (hereafter "MGE"), submitted to the Commission proposed tariff sheets intended to implement a general rate increase for natural gas service. As part of its discovery, the Staff of the Commission (hereafter "Staff") sent MGE Data Request (hereafter "DR") 30.

DR 30 asked MGE to provide copies of all approved Southern Union Company (hereafter "SU") Board of Directors meeting minutes for the period of June 30, 2006 to present.² MGE responded on June 1, stating that the board minutes approved before June 2008 were already available to Staff in discovery responses for other cases. MGE also included copies of the July 2008 board minutes in its response.

In review of those July 2008 minutes, Staff found that they referenced approval actions for minutes taken during other SU board meetings that had occurred during the

¹ Unless otherwise noted, calendar references are to 2009.

² MGE is a division of Southern Union Company. MGE does not have a separate corporate governing body.

requested time period. Staff then issued DR 30.3, requesting SU to provide copies of all other SU board meeting minutes that it failed to provide in its initial response to DR 30.

MGE stated only that it had already fully complied with the DR, and included an affidavit from SU's Vice-President. The affidavit stated that MGE had complied with Staff's DR, and that reviewing and redacting privileged material from the additional minutes, which do not mention or directly involve MGE, would take an additional 8 to 10 hours of work.

Commission Rule 4 CSR 240-2.090(1) allows discovery under the same conditions as in civil actions, as well as allowing the Commission to impose sanctions for failing to produce discovery. Commission Rule 4 CSR 240-2.090(2) requires a party objecting to a DR to do so within 10 days of receipt.

MGE failed to object to DR 30 and DR 30.3. MGE's assertion that gathering the additional information Staff requests would take significant time only supports Staff's theory that MGE's answer was incomplete. While this information may not directly mention MGE, Staff's pled reason for requesting the information is to discern whether SU is making just and reasonable allocations of corporate costs to MGE. Such information could be relevant to Staff's position concerning MGE's revenue requirement. It is thus relevant to the subject matter involved in the pending action, the standard elicited in Missouri Rule of Civil Procedure 56.01(a).

The Commission will grant Staff's motion.

THE COMMISSION ORDERS THAT:

1. Staff's Motion to Compel Production of Documents is granted.

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
Gunn, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge