

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Laclede Gas Company's Tariff to )  
Increase Its Annual Revenues for Natural Gas Service)

**File No. GR-2010-0171**  
Tariff No. YG-2010-0376

## ORDER GRANTING MOTION TO QUASH

Issue Date: July 8, 2010

Effective Date: July 8, 2010

The Missouri Public Service Commission is granting *Laclede Gas Company's* [Laclede] *Motion to Quash Subpoenas Ad Testificandum* ("motion"). The subpoenas issued too late without a showing of good cause. The hearing for which the subpoenas issued is the July 9, 2010, evidentiary hearing on *Staff's Motion to Add Parties* ("motion to add parties").<sup>1</sup>

The motion to add parties and Laclede's response to the motion to add parties stand on allegations unsupported by the record because there is no record. Making a record is therefore necessary to ruling on the motion to add parties,<sup>2</sup> and the Commission solicited procedural suggestions from the parties.<sup>3</sup> Both Laclede and Staff argued, in their respective suggestions,<sup>4</sup> for an evidentiary hearing. The hearing date proffered in Laclede's suggestions was July 9, 2010, which was already reserved for oral argument on the motion to add parties. Staff requested issuance of the subpoenas on July 6, 2010. On July 7, 2010,

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<sup>1</sup> The history of the motion to add parties is as follows. Staff filed the motion with supporting suggestions on May 4, 2010. Laclede filed its opposition on May 14, 2010. The Commission set a date for oral argument on the motion. But the parties asked to continue such date by motion filed on June 9, 2010, and the Commission granted the continuance on that same date. After that, the Commission inquired as to whether the parties desired suspension of the procedural schedule and received status reports in response. On June 21, 2010, Staff filed the *Parties Response to Commission's Order Regarding Procedural Schedule* ("response"), agreed to or unopposed by all parties. The response stated that the Commission should set the motion for oral argument because it may be necessary despite the earlier continuance. The Commission set such oral argument on July 9, 2010.

<sup>2</sup> That is, any ruling other than denial as a matter of law or for lack of evidence. The latter would not end the matter because Staff could simply renew its motion offering evidence in support. The former does not fully explore the issues on which the Commission seeks oral argument.

<sup>3</sup> Order dated June 24, 2010.

<sup>4</sup> Filed on June 30, 2010.

Laclede filed a request that the subpoenas not issue, but that request was moot, because the subpoenas had already issued. On July 8, 2010, Laclede filed the motion.

The motion cites the deadline for the subpoena's issuance:

Except for a showing of good cause, a subpoena or subpoena *duces tecum* shall not be issued fewer than twenty (20) days before a hearing.<sup>5</sup>

Laclede argues that Staff has failed to show good cause. When the Commission filed its suggestions, less than 20 days remained before the July 9, 2010, hearing date remained. But Staff has not shown why it could not request the subpoenas earlier than it did, so Staff has not shown good cause to reduce the 20-day issuance deadline. Therefore, the Commission will grant the motion and quash the subpoenas.

**THE COMMISSION ORDERS THAT:**

1. *Laclede Gas Company's Motion to Quash Subpoenas Ad Testificandum* is granted.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Daniel Jordan, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 8<sup>th</sup> day of July 2010.

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<sup>5</sup> 4 CSR 240-2.100(2).