

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In re the Transportation Tariff	)	
Proposed Modification of Missouri	)	Case No. GT-2008-0393
Gas Energy filed on May 15, 2008	)	[JG-2008-0680]
Proposing Changes to the Existing	)	
Transportation Tariff	)	

MOTION OF MIDWEST GAS USERS' ASSOCIATION  
TO SHORTEN RESPONSE TIME FOR RESPONSES TO DATA REQUESTS

ALTERNATIVE MOTION FOR FURTHER SUSPENSION

REQUEST FOR EXPEDITED CONSIDERATION

REQUEST FOR SHORTENED RESPONSE TIME TO MOTION

COMES NOW Midwest Gas Users' Association (Midwest) and respectfully moves that the time for responses to certain data requests Midwest has propounded to Missouri Gas Energy (MGE) be shortened and that the time for responses to this motion be shorted and in support thereof states as follows:

1. On June 19, 2008 the proposed tariffs herein were further suspended by Order of the Commission until June 27, 2008.

2. On June 20, 2008, 15 data requests were transmitted to counsel for MGE requesting data and information pursuant to which further discussions could be done intelligently and on an informed basis. Among other data requests, information was generally sought regarding the basis of MGE's statement that it believed that transportation customers were "gaming" the system and shifting costs to sales customers, seeking to identify the

nature and scope of this asserted problem, and seeking to identify whether only a limited number of customers (if any) and specific brokers, marketers or agents (if any) were the basis of MGE's stated belief. Essentially Midwest is seeking substantiation of the asserted need for the proposed tariff revision and is also seeking information regarding the substance of any such showing so that an appropriate remedy might be crafted that does not unreasonably interfere or impede transportation customers' use of the system, does not affect the costs faced by responsible transporters and does not shift transporter-caused costs to sales customers.

3. Upon e-mailing those data requests to counsel for MGE, Midwest counsel contacted MGE counsel both to confirm receipt and to ascertain whether the responses would be provided in time for review in the context of the current suspension period. MGE counsel was unable to advise Midwest counsel that responses would be forthcoming in any shorter period than that provided by Commission Rule (20 days) and that MGE counsel was not able to contact his principals on Friday (June 20) but would be able to reach them the following Monday, June 23.

4. On Monday morning, June 23, Midwest counsel again called MGE counsel to inquire further about any additional discussions or whether responses to the data requests could be seasonably expected. MGE counsel indicated that MGE personnel would call Midwest counsel that afternoon to further discuss the matter. Even after a second call from Midwest counsel to MGE

counsel this afternoon, that call has not yet occurred and the available time disappears.

5. Commission Rule 4 CSR 240-2.090(2) provides for the above general time limits (10 days to object; 20 days to respond) and also states that

Upon agreement by the parties **or for good cause shown**, the time limits may be modified. (Emphasis added)

6. As described above, agreement has not occurred. It is submitted that good cause is found in Midwest's need for and diligence in seeking this information and the tight time limits that have been imposed by the Commission as a result of the shortened suspension period approved by the Commission.

7. Accordingly, Midwest respectfully moves that the time within which MGE may respond to these outstanding data requests **be shortened to June 24, 2008** so that Midwest may have access to the needed data in time that the data may be analyzed and an appropriate response or request for further suspension be submitted.

#### **Alternative Motion for Further Suspension**

8. Although Midwest counsel sought to establish such a meeting on Monday, June 16 (immediately following the Commission's initial suspension order suspending the proposed tariff until June 22, 2008), because of stated unavailability of MGE personnel, the parties met telephonically on Wednesday, June, 18, 2008. Although no resolution occurred, statements of MGE

personnel indicated that they would need to confer further internally. However, pursuant to the same Commission order, MGE submitted a response to Midwest's original request for suspension that constituted essentially a resistance to that request. Midwest counsel's time was then expended in preparing a reply to that response.

9. On June 19, 2008 the Commission again suspended the proposed tariff until June 27, 2008.

10. That very afternoon, in a call initiated by Midwest counsel, Midwest counsel was advised that MGE personnel could not further discuss the matter that day and would not be available until Monday of the following week, June 23, 2008. Despite that, Midwest counsel again called MGE counsel on Friday, June 20, 2008 to confirm receipt of Midwest's data requests and whether responses, even in part, could be expected within the constraints of the Second Suspension Order. He was advised that MGE counsel could not advise because of his client's unavailability.

11. Absent cooperation from MGE and attention of its appropriate personnel, and despite Midwest's efforts, it does not appear that June 27, 2008 will afford sufficient time for the Commission's desire of further discussions to occur. Midwest has diligently sought to confer or meet with MGE personnel but has not been successful in arranging meetings beyond that described above on Wednesday June 18 which concluded with MGE personnel indicating that they needed to confer internally before they

could have further discussions. We have no knowledge whether those internal discussions have occurred or, if not, when they may occur.

12. Accordingly, it appears that a further suspension will be needed to accommodate responses to Midwest's data requests and to encourage MGE to continue to discuss this matter with Midwest. Accordingly such relief is respectfully requested ***in the alternative*** to a shortened response time on Midwest's data requests.

#### **Request for Expedited Consideration**

13. For the reasons aforesaid, including but not limited to the impending deadline of June 27, 2008 established by the Commission, expedited consideration of this motion to shorten response time is respectfully requested.

#### **Request for Shortened Response Time**

14. Further, for reasons that are readily apparent from the foregoing, Midwest further requests that any response to this Motion be directed to be file on or before June 24, 2008 for consideration by the Commission and by Midwest.

WHEREFORE Midwest respectfully prays the relief aforesaid.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

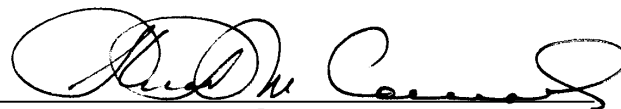


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ATTORNEYS FOR MIDWEST GAS USERS'  
ASSOCIATION

**SERVICE CERTIFICATE**

I certify that I have caused a copy of the foregoing pleading to be served upon representatives of Missouri Gas Energy according to the Commission's Rules of Procedure by e-mail, facsimile or by United States First Class Mail on this 23rd day of June, 2008.



Stuart W. Conrad