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August 13, 2007

HAND-DELIVERED

Mr. Morris Woodruff
Deputy Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Staff v. Missouri Pipeline Company and Missouri Gas Company
Case No. GC-2006-0491

Dear Judge Woodruff:

This firm represents Tortoise Capital Resources Corp. ("Tortoise") and its subsidiary Omega Pipeline Company, LLC ("Omega"). Omega has been made aware of an Order Regarding Disclosure of Information Designated as Confidential issued in the referenced case on August 7, 2007 ("Order"). The Missouri Public Service Commission's ("Commission") Order contemplates that Omega be given the opportunity to object to the public disclosure of certain information in this case designated as highly confidential under a Protective Order issued by the Commission.¹

The Order correctly states that Omega is no longer affiliated with Missouri Pipeline Company ("MPC") or Missouri Gas Company ("MGC"). Further, Omega notes as a general matter that it has a compelling interest in protecting from public disclosure sensitive competitive business information some of which may have been made a part of the record in this case as a consequence of discovery.² As such, Omega appreciates

¹ See, ¶ Ordered: 1.

² The Commission previously has noted that "Omega Pipeline continues to have an interest in protecting its trade secrets from improper disclosure to its competitors." See, Order Granting Respondent's Motion to Strike Testimony, November 3, 2006.

the opportunity that the Commission has extended to respond to the matters set forth in the Order.³

There are two categories of information to be disclosed identified in the Order at page 2. Omega provides its position regarding the disclosure of this information as follows:

1. **"[T]he Commission. . .intends to disclose the identify of customers served by Omega Pipeline Company while it was operating as an affiliated marketing company."** (emphasis added)

Omega's Response: With regard to this category of information, the fact that Omega served as the local distribution company at Fort Leonard Wood, a federal enclave, has been a matter of public record and Omega does not object to disclosure of this information by the Commission. With regard to the customers of Omega to which it marketed natural gas during the time it was affiliated with MPC/MGC, Omega does not believe there is a compelling reason to disclose this information because it would not appear to be relevant to the question of what Omega was paying MPC/MGC for natural gas transportation service.⁴

2. **"In addition, the Commission intends to disclose the rates Omega Pipeline Company was charged in connection with delivery of gas to those customers."**

Omega's Response: Omega does not object to the disclosure by the Commission of the rate Omega was charged by MPC/MGC for gas transportation service during the time it was an affiliate of MPC/MGC.

Although it does not believe it is contemplated by the express language of the Commission's Order, Omega takes this opportunity to reiterate its strenuous objection to any public disclosure of information about the rates Omega has charged its marketing customers prior to or after June of 2006, or any other terms of its agreements with those customers. The gas marketing business is intensely competitive and the disclosure of this information likely would cause irreparable damage to Omega's business. These concerns previously have been addressed by Tortoise in a Motion to Quash Subpoena Duces Tecum and a

³ Omega is not a party to this case and by virtue of responding to the Order does not waive any arguments it previously has made that its operations are not subject to the jurisdiction of the Commission.

⁴ In this regard, it should be noted that the City of Cuba has never been a marketing customer of Omega. The City of Cuba had its own capacity on the MPC/MGC Pipeline. Omega was its commodity procurement agent only.


subsequent Reply to Staff's Response to Motion to Quash Subpoena Duces Tecum, both filed in related Case No. GC-2006-0378.

Omega's response is limited to the matters set forth in the Order. Omega is not waiving any claims to confidentiality it may have regarding the possible disclosure of information that is *not* expressly identified in the Order. To the extent the Commission contemplates the disclosure of information about Omega's business or customers beyond the scope of matters specifically addressed in the Order, Omega reserves the right, and requests the opportunity, to respond at the appropriate time.

I trust that the foregoing is sufficiently responsive to the topics identified in the Commission's Order. If further clarification or information concerning the position of Omega would be helpful to the Commission, please do not hesitate to contact me.

Sincerely,
BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Paul A. Boudreau

PAB:pah
c: Ms. Colleen Dale, Secretary
Parties of Record