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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Discovery Conference
April 19, 2013
Jefferson City, Missouri
Volume 3

In the Matter of Laclede Gas)
Company's Filing of Revised)
Tariffs to Increase its Annual) File No.
Revenues for Natural Gas) GR-2013-0171

KENNARD L. JONES, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR, CCR NO. 838
MIDWEST LITIGATION SERVICES

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1 P R O C E E D I N G S

2 (WHEREUPON, the discovery conference
3 began at 10:02 a.m.)

4 JUDGE JONES: We're on the record in
5 Case No. GR-2013-0171, Laclede's request for a rate
6 increase. This is a discovery conference. It's
7 about five after ten. Let's take entries of
8 appearances beginning with Laclede.

9 MR. ZUCKER: Rick Zucker,
10 Z-u-c-k-e-r, 720 Olive Street, St. Louis, Missouri
11 63101, here on behalf of Laclede Gas Company.

12 JUDGE JONES: And Staff.

13 MR. KEEVIL: Jeff Keevil and Bob
14 Berlin representing the Staff of the Missouri
15 Public Service Commission. Our address is
16 200 Madison Street, Jefferson City, Missouri 65101.

17 JUDGE JONES: And for the Office of
18 Public Counsel.

19 MR. POSTON: Thank you. Marc Poston
20 appearing for the Office of the Public Counsel and
21 the public.

22 JUDGE JONES: Are there any other
23 parties present? I don't see anyone.

24 All right. Let's go ahead and get
25 started. Well, first let me ask, how did things

1 work out with the last -- how we resolved things
2 from the last discovery conference?

3 MR. KEEVIL: Fairly well. You may
4 recall, there was a couple of things that were
5 further out in the future that Laclede was going to
6 provide, one of which was that updated NYTEX study,
7 which I think is still out, but I think they said
8 the end of this month that was supposed to be made
9 available. So we're still waiting for that.

10 But I think -- Mr. Sommerer could
11 correct me if I'm wrong, but I believe overall, I
12 think -- I think everything was received pretty
13 much as promised.

14 JUDGE JONES: Good. That's
15 refreshing.

16 MR. ZUCKER: I gave you the inputs
17 for the study, and we gave you updated or a new
18 study on the field itself, along with everything
19 else that we discussed.

20 JUDGE JONES: I'm assuming you agree?

21 MR. KEEVIL: Yeah. That was the
22 agreed, I think. That was the cost/benefit thing
23 they agreed to give by a date certain at that
24 discovery conference, and they did, I believe,
25 yeah. But it's not the NYTEX. It's a separate

1 study from that NYTEX study.

2 JUDGE JONES: And today, from what I
3 understand, it looks like you have a problem with
4 timing?

5 MR. KEEVIL: Well, we have two
6 problems. Timing's probably the one that -- the
7 problem that applies to most of the data requests.
8 We also have a smaller problem regarding objections
9 to a few of the first group of data requests where
10 there was some confusion apparently regarding what
11 Laclede was going to provide regard to -- I believe
12 their objection was to 200 through 204 and then
13 also to 221 and 223.

14 JUDGE JONES: Mr. Zucker, is that
15 correct?

16 MR. ZUCKER: Those are the correct
17 numbers.

18 JUDGE JONES: And just as a
19 precautionary matter, if we start to go into
20 something that's HC, let me know so she can mark it
21 right now.

22 MR. ZUCKER: Let me ask my people to
23 if I -- if I start -- if I start saying something
24 that should be HC, raise your hand.

25 JUDGE JONES: Well, let's start with

1 the 200 to 204. Is there any reason to deal with
2 them individually or can we just deal with that
3 group of discovery requests?

4 MR. KEEVIL: They're very similar,
5 Judge, except for the fact that 200 deals primarily
6 with the storage, 201 propane, 202 oil, and 203 and
7 204 different types of gas wells, I believe. But
8 as far as the information sought, it's very similar
9 but just each is regarding those different aspects.

10 JUDGE JONES: Okay. And, Mr. Zucker,
11 why do you object to giving information about
12 those?

13 MR. ZUCKER: We objected on the
14 grounds of burden, and let me read to you just a
15 little sample of one of the DRs. Mr. Keevil did
16 attach them for the record. So, for example, DR
17 200 asks about underground storage, which is again,
18 as I said last month, not really an issue in the
19 rate case.

20 They want to know the exact -- the
21 exact location of all acreage owned or leased for
22 purposes of storing natural gas, and with regard to
23 all acreage, for each purchase of land identify the
24 date when each tract of land was acquired, quantify
25 the amount paid for each tract of land and provide

1 the journal entries used to record the purchase of
2 the land with amounts and with associated FERC
3 account number.

4 Now, this land was purchased or
5 leased back in the '50s for purposes of underground
6 storage, and we didn't see why it was necessary for
7 us to try to go back into the 1950s and find out
8 all of this information on buying the land and who
9 we bought it from and how much we paid for it.

10 And so what we did was, we -- you
11 know, you had told us last month that we need to
12 find a way to get along and work together and get
13 the job done, and so we took that to heart, and
14 when we saw these questions we said, you know, this
15 is a lot of information that doesn't seem to be
16 germane. What are they really looking for here?

17 And so we contacted the person who
18 sent us the DRs, and that person said that they --
19 that she really -- they weren't really her DRs and
20 she referred us to another Staff person, and we
21 then had a conference call with that Staff person,
22 which was somewhat productive, but in the end he
23 couldn't make decisions regarding compromising
24 those DRs, so we were referred to a third party.

25 And so then we had another conference

1 call, and on that conference call I thought that we
2 made good process, and I thought we got to the
3 point where we agreed to give them information that
4 would satisfy their needs.

5 JUDGE JONES: Information about these
6 storage facilities?

7 MR. ZUCKER: Right. Well, some
8 information about this, and then really what they
9 were looking for was they wanted to establish some
10 background facts.

11 So what we said to them was, we will
12 -- why don't we just admit to these background
13 facts? We'll give you a statement, an affidavit
14 laying out these background facts so that we all
15 agree what the -- so that we don't have to go
16 through this process of searching for old
17 information when really what you're looking for is
18 just to establish what the -- what the facts are.

19 And so we did that. We gave them
20 that, and we've given them other information. And
21 so I'm not sure why we're here on this particular
22 issue.

23 JUDGE JONES: And, Mr. Keevil, do you
24 disagree with anything that was just said?

25 MR. KEEVIL: I don't know about the

1 number of conference calls, but the -- what was
2 provided, I agree they provided an affidavit in
3 response to 202.

4 JUDGE JONES: Okay. Wait. Stop
5 right there. So when you proposed a statement of
6 facts, someone agreed to that, which is why you
7 provided the statement?

8 MR. ZUCKER: Right.

9 MR. KEEVIL: Like I said initially,
10 Judge, apparently there was some confusion
11 regarding what they were going to provide and what
12 it contained. What we were -- there was a
13 conference call -- I believe I mentioned in my
14 thing I filed Tuesday, there was a conference call
15 last Wednesday where Laclede indicated they'd
16 provide certain information, one of which was this
17 affidavit Mr. Zucker referred to.

18 And when we received the affidavit,
19 the affidavit only addresses the oil wells in 202.
20 The other stuff that was provided in regard to 202
21 was not -- did not contain the detail that we had
22 expected it to contain regarding the location of
23 the various wells and the acreage and all this
24 other stuff.

25 And I think there may have initially

1 been some misunderstanding even from the get-go
2 after looking back on what happened as to -- we
3 agreed to receive certain information in regard to
4 some of these subparts, but I think there was a
5 misunderstanding, Mr. Cassidy can correct me here
6 if I'm wrong, but as to what subparts of the DRs
7 that he understood Laclede was proposing to submit
8 this affidavit in lieu of providing the specific
9 information requested.

10 I know during the conference call
11 Mr. Cassidy indicated he did not -- although the DR
12 may have initially requested, he did not need
13 certain journal entries, for example, that were
14 requested in the DR.

15 JUDGE JONES: He didn't need them?

16 MR. KEEVIL: No. Go ahead. This
17 is -- for the record, this is John Cassidy, Staff
18 witness.

19 MR. CASSIDY: Right. I think during
20 the conference call we agreed that, you know, in
21 return for the affidavit giving us the general
22 overview of the operations there, that we could
23 relieve Laclede of the responsibility giving us all
24 those dated historic journal entries and all of the
25 FERC accounts.

1 But Staff still was expecting to
2 receive a listing of the oil wells, which we have
3 received a response. However, that listing is only
4 through 1996. It does not provide a listing all
5 the way through 2013, and --

6 MR. KEEVIL: It's limited to oil.

7 MR. CASSIDY: Right. It's limited to
8 oil. Staff is aware that there's an oil well
9 that's been put into service and is currently
10 reflected in rates in 2010 that's not on that list.

11 So, you know, I think this is all
12 information -- in DRs 200 through 204, all of these
13 aspects of Laclede's operations are interrelated
14 and they affect one another. So we are expecting
15 responses to all of the other data requests that
16 have been objected to as well.

17 MR. KEEVIL: Like I said, that
18 affidavit only addresses the oil. We've got some
19 DRs in here that address gas. We've got some DRs
20 in here that -- well, various types of gas. My
21 understanding --

22 MR. CASSIDY: Yes.

23 MR. KEEVIL: -- is different types of
24 gas wells. There's one in here that addresses the
25 propane, but that affidavit was only -- only

1 addressed to the oil.

2 JUDGE JONES: Okay. Mr. Zucker?

3 MR. ZUCKER: Okay. So this is the
4 first I've heard that what we have done since last
5 Wednesday's phone call is short of what you were
6 expecting. We provided not only the affidavit but
7 a lot of other information. And I know we came to
8 an agreement on the journal entries and what we
9 were going to give you there. I don't know if we
10 provided them yet, but, you know, I'm -- I know
11 that we have agreed on that.

12 So if there are things that you want
13 that -- or you are unclear on an agreement, unclear
14 on what was being committed to, you know, I think
15 you need to let us know.

16 JUDGE JONES: Are you-all just having
17 a problem communicating?

18 MR. ZUCKER: Well, we communicated a
19 number of times. We had at least two good
20 conference calls.

21 MR. KEEVIL: Judge, these matters
22 that he's referring to were providing us most --
23 according to EFIS -- I went in there this morning
24 and looked this up. According to EFIS, the
25 responses to 202, which is the one that we've

1 received as far as the responses to, were submitted
2 on the 16th and 17th, which would have been the day
3 before yesterday and the day that I filed this
4 thing.

5 So, you know, I think there was an
6 e-mail from Mr. Buck to Mr. Cassidy last week that
7 had something which may or may not be in EFIS,
8 apparently is not in EFIS, but that did not contain
9 the detail that originally we had expected.

10 But as far as the additional
11 information Mr. Zucker's talking about, like I
12 said, we only got that a couple days ago. So the
13 opportunity -- I don't think it's a matter of
14 communication. Part of that's a timing thing, I
15 think.

16 But again, I keep going back to the
17 one that we have received responses to, which is
18 202, did not contain the detail other than the
19 affidavit thing that Mr. Cassidy was expecting.

20 And the other DRs, the 200, 201, 203
21 and 204, address matters, while related to the oil
22 wells, they're not just oil well stuff. Like I
23 say, one of them's propane. One of them's gas
24 wells. One of them's extraction gas, I think,
25 wells. So there's more in there than just oil, and

1 so far everything we've gotten is just oil related.

2 JUDGE JONES: Mr. Zucker, do you have
3 the information regarding propane and gas wells?

4 MR. ZUCKER: Well, let me address the
5 oil first. The Tuesday date that Mr. Keevil's
6 referring to is the date we said we would give them
7 that information. It's only about the 19th or 20th
8 day from the time we received the DRs.

9 And let me show you the information
10 we gave them on that day. These are all the
11 attachments, and they go on on the next page, of
12 what we provided. And there's the affidavit, I
13 think, right there that we provided. So if --

14 JUDGE JONES: Well, I mean, me
15 looking at a list of things, I don't know what this
16 is. I mean, they're documents that have links.
17 Are you showing this to me to show me the volume of
18 information that you provided?

19 MR. ZUCKER: Right, to show you the
20 volume. I don't expect you to know what all that
21 information is, but that's our good faith attempt
22 to answer the question and to provide all the
23 information.

24 Regarding the propane, again, it's
25 the same issue. You know, they've asked the same

1 type of question that I read earlier about
2 underground storage, and I think we've given them a
3 lot of information, and what we're trying to do is
4 find what they need and give that to them without
5 having to do an exhaustive information searching.

6 JUDGE JONES: Are you trying to find
7 what they need or why they need it?

8 MR. ZUCKER: Well, why they need it
9 helps us work with them on what they need. But,
10 you know, our view was they don't really need all
11 this ancient information. What are they trying to
12 establish with it? And maybe we can just help them
13 either get that or admit to it.

14 JUDGE JONES: What are you trying to
15 get information back from the 1950s for? It seems
16 like -- I mean, Laclede's been coming here for rate
17 cases for a while, so there have been rate cases
18 before this one, and if that information is
19 relevant now, it had to have been relevant then,
20 like the last rate case, the one before, the one
21 before that.

22 MR. KEEVIL: Well, I'll let
23 Mr. Cassidy answer the why part of that. Talking
24 about the rate cases since the '50s, you have to
25 understand what Laclede is -- oops, I'm probably

1 getting ready to go HC here.

2 JUDGE JONES: Okay.

3 (REPORTER'S NOTE: At this point, an
4 in-camera session was held, which is contained in
5 volume 4, pages 110 through 198 of the transcript.)

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C E R T I F I C A T E

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Kellene K. Feddersen, Certified
Shorthand Reporter with the firm of Midwest
Litigation Services, do hereby certify that I was
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there took down in Stenotype the proceedings had;
and that the foregoing is a full, true and correct
transcript of such Stenotype notes so made at such
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Given at my office in the City of
Jefferson, County of Cole, State of Missouri.

Kellene K. Feddersen, RPR, CSR, CCR

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