

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Laclede Gas Company's     )  
Request to Increase Its Revenues for Gas     )           Case No. GR-2017-0215  
Service   )

In the Matter of Laclede Gas Company     )  
d/b/a Missouri Gas Energy's Request to     )           Case No. GR-2017-0216  
Increase Its Revenues for Gas Service     )

**REPLY TO LACLEDE'S RESPONSE TO  
OPC'S MOTION TO COMPEL DISCOVERY**

**COMES NOW** the Office of the Public Counsel ("OPC") and for its Reply to Laclede's Response to OPC's Motion to Compel Discovery, states as follows:

1.       On March 21, 2017, OPC filed its Motion to Compel Discovery requesting a Public Service Commission ("Commission") order compelling Laclede to answer three overdue OPC data requests relevant to a general rate review in the areas of general accounting, income taxes, and affiliate transactions. There is good cause to compel Laclede to respond because these are general rate case issues and OPC has a statutory duty under Section 386.710 RSMo to represent the public on these issues.

2.       Laclede's response to OPC's Motion to Compel Discovery begins by addressing a separate case – OPC's earnings complaint against Laclede Gas Company ("Laclede") in GC-2016-0297 – and arguing that that case should somehow delay OPC from being able to seek discovery from Laclede. The discovery in question was not requested in the complaint case, which has absolutely nothing to do with the discovery OPC has sought in this case. The discovery OPC seeks is based entirely upon OPC's preparation for addressing the many issues that arise in a general rate case. Laclede's

argument is a red herring meant to distract the Commission from what is a very straight-forward issue. The real decision to be made by the Commission is whether Section 386.450 RSMo limits OPC's discovery rights anytime Laclede claims its employees are too busy and cannot respond.

3. Laclede argues that the general ledger provided by Laclede through June 30, 2016 should suffice, despite Laclede having available a general ledger through the close of Laclede's books on September 30, 2016. Laclede does not explain why OPC should be forced to rely upon an outdated ledger.

4. Laclede also argues, "The only reason these cases even exist is that Laclede is required to provide a 60-day notice of its intended filings under the ex parte rules." Laclede's 60-day notice filing has nothing to do with OPC's discovery, which it would have issued to Laclede even if there was no 60-day filing requirement. It was no secret before Laclede filed its 60-day notice that Laclede would be filing a general rate case in April 2017. Laclede's 60-day notice argument is another distraction unrelated to OPC's right to access Laclede's books and records. OPC did not need to identify a case number for requesting discovery, and could have requested the documents outside of a case, which renders Laclede's 60-day argument meaningless. To accept Laclede's argument would require interpreting 386.450 RSMo to apply in all circumstances except upon filing of a 60-day notice. Such an interpretation would limit the clear and unambiguous language of the statute. There is no legal basis for Laclede's argument.

5. Laclede raises a third argument that also has no relationship to its discovery request. Laclede argues that OPC should not be entitled to its discovery due to its challenges to "re-litigate" Laclede's ISRS on the "ISRS update." Laclede should

understand that OPC's appeal of an issue is not final until all appeal options have been resolved, and since Laclede files ISRS petitions every six months, it is impossible to have a court decision before the next ISRS petition is filed. That was the case with the ISRS update issue – OPC only raised the issue again because the issue had not been resolved by the courts. Laclede's response goes on at length about OPC's ISRS appeals, which again, have no relevance to the motion to compel.

6. Laclede's arguments made to support its delay do not address any real reason for not providing the requested documents, other than Laclede's desire to delay OPC's ability to represent the public any chance it gets. With the time and resources Laclede has spent fighting OPC's discovery, Laclede could have simply provided answers to the three easy discovery requests.

7. OPC asks the Commission for help in regaining its ability to represent the public by ordering Laclede to immediately answer the long-overdue data requests. OPC is hopeful the Commission will recognize the public interest is best served when the public has access to the books and records of the regulated corporations without the senseless delay that Laclede's objections seek to accomplish.

WHEREFORE, the Office of the Public Counsel respectfully moves the Commission to issue its order directing Laclede to immediately provide the information requested in Data Request Nos. 1000, 1002 and 1003.

Respectfully submitted,

By: /s/ Marc D. Poston

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 5<sup>th</sup> day of April 2017.

**/s/ Marc Poston**

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