

**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)
Service) Case No. GR-2017-0215

MOTION TO COMPEL DISCOVERY

COMES NOW the Office of the Public Counsel (“OPC”) and for its Motion to Compel Discovery, states as follows:

1. OPC seeks an order from the Public Service Commission (“Commission”) ordering Laclede Gas Company (“Laclede”) to immediately provide answers to the following three data requests that OPC submitted to Laclede on February 15, 2017.

Answers were due March 7, 2017.¹ OPC’s three data requests are as follows:

1000. Please provide a copy of Laclede Gas’ general ledger for its fiscal year ended September 30, 2016. Please provide the document in Microsoft Excel format and include by month the following information: Account number, Account name, Account description, amount booked by month. Please further break down the account by subaccounts, minor accounts and/or resource codes.

1002. Please provide a copy of Laclede’s most recently filed federal income tax return (including all pages and attachments).

1003. Please provide a copy of each and every contract between Laclede Gas and any of its affiliates entered into in 2015, 2016 and 2017 where the contract total amount is or is expected to be equal to or greater than \$1 million.

2. Laclede plans to file a general rate case on or before April 11, 2017. OPC seeks this information as it begins its review of Laclede’s books and records in

¹ Data Request responses are due twenty days from the date issued per 4 CSR 240-2.090(2).

preparation for Laclede's upcoming case. All of the documents OPC seeks are readily available to Laclede and Laclede could provide this data with little to no difficulty.²

3. OPC also submitted Data Request 1001, but in light of Laclede's objection to providing answers to OPC's data requests, OPC is not at this time seeking to compel Laclede to answer this data request. Data Request 1001 requests an explanation of differences, if any, between Laclede's general ledger and Laclede's SEC Form 10-K. Answering this data request would require more attention by Laclede than providing documents that already exist. In recognition of Laclede's stated concerns, OPC will not seek to compel a response to this data request at this time.

4. The three data requests seek information that is relevant to a general rate review in the areas of general accounting, income taxes, and affiliate transactions.

5. Good cause exists for ordering Laclede to provide OPC with answers to the remaining three data requests because OPC should have the opportunity to begin working on the rate case without needless delay. OPC does not have the resources of Laclede or the Commission's Staff to address every issue in a rate case. Aiding OPC's ability to begin an early review of Laclede's general books and records should be encouraged because the result will be a public that is able to participate in more issues.

6. OPC's authority to access the books and records of a monopoly utility under Commission regulation is found in Section 386.450 RSMo, which does not prohibit OPC from accessing a utility's books and records before the utility has filed for a general rate review. The statute states:

386.450. At the request of the public counsel and upon good cause shown by him the commission shall require or on its own initiative the commission may

² Laclede has well over 2,000 employees and a modern computer system known as "Big Blue."

require, by order served upon any corporation, person or public utility in the manner provided herein for the service of orders, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said corporation, person or public utility in any office or place within or without this state, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the public counsel when the order is issued at his request or by the commission or under its direction.

7. OPC complied with the procedural requirements of 4 CSR 240-2.090(8) in that OPC's counsel in good faith conferred with opposing counsel by phone to try to reach agreement on the data requests. OPC also arranged for a discovery conference with the presiding officer and opposing counsel, which was held on March 17, 2017. To date, Laclede has still not provided any response to OPC Data Requests 1000, 1002 or 1003, and such answers are now two weeks overdue.

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
Marc D. Poston (#45722)
Chief Deputy Counsel
Office of the Public Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5558
(573) 751-5562 FAX
marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 21st day of March 2017.

/s/ Marc Poston
