

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

In the Matter of Missouri Gas Energy's)
Proposed Tariff Sheets to Administer)
Natural Gas Conservation Initiatives.)

Case No. GT-2007-0477
Tariff File No. YG-2007-0880

RESPONSE TO OBJECTION TO AFFIDAVIT

COMES NOW the Office of the Public Counsel and for its Response to Objection to Affidavit states:

1. On June 25, 2007, the Public Counsel filed its Reply of the Office of the Public Counsel, responding to MGE and Staff filings regarding Public Counsel's request that the Commission require MGE to provide a cost-effectiveness analysis for the Energy Conservation and Efficiency Program. An attached affidavit from Ryan Kind, Chief Energy Economist demonstrated that the program proposed by the tariff filing would not be cost-effective.

2. On June 27, 2007, MGE filed its Objection to Affidavit. MGE's Objection states "Pursuant to § 536.070(12) RSMo 2000, MGE objects to the use of the Affidavit, or any portion thereof, in this case." Public Counsel offers the following response to MGE's objection to the use of Mr. Kind's affidavit.

3. MGE's objection does not state the grounds for the objection. Section 536.070(12) allows objections "to the use of the affidavit or some designated portion or portions thereof on the ground that it is in the form of an affidavit." However, the statute also states that "[f]ailure to serve an objection as aforesaid, based on the ground aforesaid, shall constitute a waiver of all objections to the introduction of such affidavit" on the grounds that it: 1) is in the form of an affidavit, 2) constitutes or contains hearsay evidence, or 3) violates the best evidence

rule. MGE's objection does not identify the grounds for the objection and simply objects to Mr. Kind's affidavit with no explanation. According to § 536.070(12), MGE's failed objection waives all objections to the affidavit on the above-mentioned grounds.

WHEREFORE, the Office of the Public Counsel respectfully offers the above response.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston
Marc D. Poston (#45722)
Senior 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 the following this 3rd day of July, 2007:

General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Paul Boudreau
Missouri Gas Energy
312 E. Capitol
P.O. Box 456
Jefferson City, MO 65102
paulb@brydonlaw.com

Mike Noack
Missouri Gas Energy
3420 Broadway
Kansas City, MO 64111
mnoack@mgemail.com

/s/ Marc Poston