

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

Michael Stark,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2014-0202
	)	
Summit Natural Gas of Missouri, Inc.,	)	
	)	
Respondent.	)	

**OBJECTION TO AFFIDAVIT**

COMES NOW the Respondent, Summit Natural Gas of Missouri, Inc. (“SNG”), by and through counsel, and objects to the “affidavit” of Robert Maag filed in EFIS on September 24, 2014, being admitted into evidence in this matter.

The document does not specify whether the contents are based on personal knowledge, does not specify whether the witness is competent to testify, and does not contain testimony which would otherwise be admissible. The document contains hearsay statements, does not provide a basis for opinion or expert testimony, and contains information not relevant to this proceeding.

Additionally, SNG is being denied due process by being prevented from cross examining the witness. For example, SNG is not being afforded with the opportunity to question Mr. Maag regarding his qualifications to offer opinion testimony or explore the possible identity of the person with whom Mr. Maag allegedly spoke. SNG is also being denied due process by being prevented from questioning Mr. Maag and Mr. Stark regarding their conflicting testimony. For example, Mr. Stark testified that he returned to the property at 2:30 p.m. on June 18, 2013, and that the “gas line was fully installed and the road service entirely graded” at that time. (Tr. Vol.

2, p. 19, lines 6-9) Mr. Maag, on the other hand, states that he returned home “mid-afternoon” on June 19, 2013, and that the workers were only “halfway down the road at that time.”

Over the objection of SNG, the “affidavit” of Garrett Cope was admitted into evidence herein. The admission into evidence of any written statement, without an opportunity to cross examine the witness, interferes with SNG’s due process rights.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Diana C. Carter

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ATTORNEYS FOR SUMMIT NATURAL GAS  
OF MISSOURI, INC.

**Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic transmission on this 24<sup>th</sup> day of September, 2014, to the Complainant, acting pro se, and to Counsel for the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter