

1 higher than what Atmos paid their affiliate. So I don't
2 see how you could suggest that the affiliate -- that Atmos
3 has somehow paid a fair market price that's higher whenever
4 the fair market price to other armslength bidders would
5 have been higher than what it paid.

6 Finally, I guess I haven't heard any
7 allegations that there were any problems with the
8 non-discrimination standards. There's been a lot of -- a
9 lot of comment of, well there could be some actions out
10 there that Atmos or AEM did that could have benefited the
11 company as a whole, but there's been no evidence presented
12 to that effect.

13 And there's been really no allegations of --
14 I mean, there's been a lot of talk about self-dealing, but
15 what we've got here is not self-dealing. We've got a
16 competitive bid process where an affiliate is acting just
17 the same way that a non-affiliated company would in
18 submitting a bid.

19 In many of the cases they didn't win the
20 bid. Most of them, they didn't win the bid. But in the
21 two they did, Staff has launched this incredible
22 investigation which effectively is going to kill the
23 ability of an affiliate to do these kinds of deals that
24 will produce the lowest cost gas to the ratepayer.

25 Because everytime this happens we're going

1 to have to face an investigation by Staff. They're going
2 to have to hire Fischer and Dority or other folks to spend
3 money to go out and defend this kind of an action. It's
4 going to be, from a practical standpoint, a prohibition,
5 which I believe the Staff is really -- in this case, based
6 on their position statement -- hoping the Commission will
7 do; just prohibit affiliate transactions.

8 I don't think that's been the policy of the
9 state up until now. And I would urge you not to go down
10 that road. But I think that's -- that's what I've heard
11 based on today's hearing.

12 I ask that you not -- that you not grant the
13 Motion to Compel because I don't think the other thing
14 that's really apparent is that the Staff hasn't justified
15 the reasons why they need the specific items that they've
16 requested in 117.1 and 131.1. Instead they just want this
17 information as kind of a general thing to go investigate,
18 see if they can reduce their disallowance, which is really
19 kind of an incredible position to be in.

20 whenever they filed the disallowance at the
21 end of a yearlong audit and now hearing, well, they really
22 don't have much confidence in it because they don't have
23 enough evidence to support it.

24 JUDGE WOODRUFF: Thank you, Mr. Fischer. I
25 will ask the court reporter to expedite the transcript so

1 we can have it one week from today on the 27th.

2 COMMISSIONER DAVIS: Judge, I want to ask
3 for one more thing. I would like a copy of the Hannibal
4 RFP as well as all of the bid respon-- I mean, I know it's
5 going to have be all Highly Conf-- well, the RFP itself
6 isn't confidential, but I'd like a copy of all of the
7 responses filed as well.

8 JUDGE WOODRUFF: Is that something Staff can
9 provide?

10 THE WITNESS: Yes.

11 JUDGE WOODRUFF: Mr. Fischer?

12 MR. FISCHER: If Staff can't, we can, I'm
13 sure.

14 JUDGE WOODRUFF: All right. You want it
15 from Staff?

16 COMMISSIONER DAVIS: Staff's fine. I don't
17 care who provides it.

18 JUDGE WOODRUFF: That's fine.

19 All right. With that then, we are
20 adjourned. Thank you all for being here.

21 (Wherein; the oral argument was concluded.)
22
23
24
25

I N D E X

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing proceeding was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Lisa M. Banks, CCR 1081

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