

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

Charles A. Cooper,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2004-0305
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**MOTION/REQUEST FOR SUBPOENA *DUCES TECUM***

COMES NOW Missouri Gas Energy, a division of Southern Union Company (“MGE”), and, in accordance with Missouri Public Service Commission (“Commission”) Rule 4 CSR 240-2.100, moves/requests the Commission to issue the subpoena *duces tecum* described herein:

1. The Commission has set this matter for hearing on September 1, 2004.
2. MGE seeks to take the deposition of Ms. Janet Byers of Ready, Set, Go, Inc. prior to the hearing of this case. MGE was contacted in December 2002 and directed to shut off the natural gas being provided at 6303 Evanston. At that time, MGE was told that the day care (listed as “La Petite Academy”) had been gone a year. The Complainant in this matter has produced a lease and another document that indicate that Ready, Set, Go, Inc. began to lease the subject premises from him in at least September of 2001, and perhaps as early as June of 2001. An issue in this case concerns as to whether or not the subject premises were leased and, if so, to whom during the period December 2002 through June 2003. Ms. Byers’ testimony, as the President and sole Director of Ready, Set, Go, Inc., would be extremely relevant to this question.
3. Therefore, MGE asks that Ms. Miller be directed to testify at a deposition on the 25<sup>th</sup>

day of August, 2004, at 10:30 a.m. at the offices of MGE, 3420 Broadway, Kansas City, MO 64111 (18<sup>th</sup> and Vine Room), and to produce at such deposition the following records:

Copies of any leases into which Ready, Set, Go, Inc. has entered concerning 6303 Evanston Avenue, Raytown, Missouri, as well as any other correspondence or documents concerning Ready, Set, Go, Inc.'s lease or use of these premises.

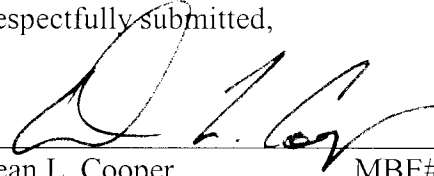
4. Attached hereto as Appendix A is the subpoena *duces tecum* requested by MGE on the form provided by the Commission.

5. Commission Rule 4 CSR 240-2.100(2) states that "except for a showing of good cause, a subpoena or subpoena *duces tecum* shall not be issued fewer than twenty (20) days before a hearing." MGE believes that Ms. Byers' deposition would be extremely helpful to the Commission's understanding and review of this matter. The parties are currently scheduled to take a different deposition on August 25, 2004, at MGE's offices. MGE believes that taking Ms. Byers deposition on the same day should, thus, not impose any great hardship on the parties. Therefore, MGE asks that the Commission find that good cause exists for the issuance of the requested subpoena.

WHEREFORE, Respondent, Missouri Gas Energy, respectfully requests that the Commission

issue the subpoena *duces tecum* described herein and attached hereto as Appendix A.

Respectfully submitted,



Dean L. Cooper MBE#36592  
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ATTORNEYS FOR MISSOURI GAS ENERGY

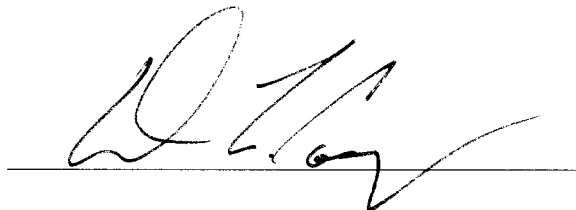
### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or U.S. Mail, postage prepaid, on August 12, 2004, to the following:

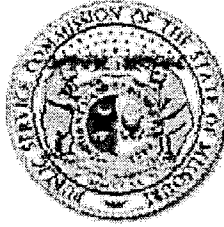
Mr. Robert Franson  
Office of the General Counsel  
Governor Office Building  
Jefferson City, MO 65101

Mr. Doug Micheel  
Office of the Public Counsel  
Governor Office Building  
Jefferson City, MO 65101

Mr. Charles A. Cooper  
746 E. Eastwood  
Marshall, MO 65340



## SUBPOENA DUCES TECUM



THE STATE OF MISSOURI. To Janet Byers, 6311 Evanston, Raytown, Missouri or  
3800 NW Lake Drive, Lees Summit, Missouri  
You are hereby commanded to be and appear personally before ~~The Public Service Commission of the State of~~  
~~Missouri or any Commissioner thereof~~ on the 25th day of August, 2004 at  
10:30 o'clock of that day, at Missouri Gas Energy in the County of Jackson,  
3400 Broadway, Kansas City, Missouri, 18th and Vine Room  
in the State of Missouri, to testify at a <sup>deposition</sup> ~~hearing~~ in the matter of : Charles A. Cooper v. Missouri Gas Energy  
Case No. GC-2004-0305

And that you bring with you and produce at said ~~hearing~~ <sup>deposition</sup>: SEE ATTACHMENT 1

on behalf of Missouri Gas Energy, and hereof fail not at your peril. The person or officer serving  
this writ is commanded to have the same at the time and place aforesaid, certifying thereon its return.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Title]

## RETURN

I HEREBY CERTIFY that I have served the within writ by reading the same in the presence and hearing of the  
within named \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in  
\_\_\_\_\_ County, in the State of Missouri.

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Title]

**ATTACHMENT 1**

**TO SUBPOENA DUCES TECUM**

Copies of any leases into which Ready, Set, Go, Inc. has entered concerning 6303 Evanston Avenue, Raytown, Missouri, as well as any other correspondence or documents concerning Ready, Set, Go, Inc.'s lease or use of these premises.