

Dean Cooper

From: Nowack, Laurie A. [Laurie.Nowack@BryanCave.com] on behalf of Vuylsteke, Diana M. [dmvuylsteke@BryanCave.com]
Sent: Wednesday, June 29, 2011 10:59 AM
To: Dean Cooper; 'todd.jacobs@sug.com'
Cc: Vuylsteke, Diana M.
Subject: HR-2011-0241 Veolia Response to MGE 1-1 and 1-2
Attachments: VEOLIA RESPONSE TO MGE DR 1-1 and 1-2.DOC

Attached are Veolia's responses to MGE data requests 1-1 and 1-2. Thanks, Diana

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bcllp2011

**Missouri Public Service Commission
Case No. HR-2011-0241
Data Request No. MGE-1.1 to
Veolia Energy Kansas City, Inc.**

MGE DATA REQUEST 1.1:

Please provide MGE with a copy of Veolia's responses to Commission Staff data requests 67.0 and 84.0.

Send objections and responses to:

Dean L. Cooper MBE #36592
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312 E. Capitol Avenue
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ATTORNEYS FOR SOUTHERN UNION COMPANY, D/B/A MISSOURI GAS ENERGY

RESPONSE:

Subject to Veolia's previous objections dated June 17, 2011, and without waiving any objections, Veolia responds as follows:

Veolia Energy Kansas City, Inc. ("VEKC" or the "Company") has determined that VEKC's responses to Missouri Public Service Commission Staff's data requests 67 and 84 are "Highly Confidential" because the information may contain customer-specific, employee-specific, negotiated contract information, competitive market information, etc. and/or are "Proprietary" due to the existence of other technical, financial or business information specifically delineated in 4 CSR 240-2.135.

Accordingly, VEKC is unable to provide copies of VEKC's complete responses to data requests 67 and 84 in case no. HR-2011-0241 to MGE as these responses are privileged, designated as

“Highly Confidential” pursuant to 4 CSR 240-2.135 (1) (B)(1) – (7), and/or designated as “Proprietary” pursuant to 4 CSR 240-2.135(1)(A).

Further, Case No. 1016-cv-24880 between Trigen-Kansas City Energy Corporation and MGE is currently pending in the Circuit Court of Jackson County, Missouri (the "State Court Litigation"). To the extent that the information requested herein is relevant and discoverable in the State Court Litigation, then MGE is advised to seek the information in accordance with the Missouri Rules of Civil Procedure and applicable local rules. It is inappropriate for MGE to seek information related to the State Court Litigation through Case No. HR-2011-0241. MGE's Data Request MGE-1.1 is irrelevant to MGE's involvement in Case No. HR-2011-0241.

RESPONSE PROVIDED BY:

John R. Kindschuh, Esq. and Diana M. Vuylsteke, Esq.
Bryan Cave LLP
Counsel for Veolia Energy Kansas City, Inc.
314-259-2313 (John); 314-259-2543 (Diana)

Date Response Provided: June 27, 2011

**Missouri Public Service Commission
Case No. HR-2011-0241
Data Request No. MGE-1.2 to
Veolia Energy Kansas City, Inc.**

MGE DATA REQUEST 1.2:

Referring to pages 401a, 401b and 402 of Trigen/Veolia's annual reports to the Commission, please provide:

- a) Copies of pages 401a, 401b and 402 of Trigen/Veolia's annual reports to the Commission for 2009 (amended annual report) and 2010; and,
- b) A reconciliation of fuel burned to generate steam to the actual amount of steam generation for 2008, 2009 and 2010 (refer to page 402 of the annual reports) (e.g. 1 mlb of steam = X mmbtu).

RESPONSE:

Subject to Veolia's previous objections dated June 17, 2011, and without waiving any objections, Veolia responds as follows:

Veolia Energy Kansas City, Inc. ("VEKC" or the "Company") has determined that VEKC's responses to MGE data request 1.2(a) and (b) are "Highly Confidential" because the information may contain customer-specific, employee-specific, negotiated contract information, competitive market information, etc. and/or are "Proprietary" due to the existence of other technical, financial or business information specifically delineated in 4 CSR 240-2.135.

Accordingly, VEKC is unable to provide responses to data requests 1.2(a) and (b) to MGE as these responses are designated as "Highly Confidential" pursuant to 4 CSR 240-2.135 (1) (B)(1) – (7), and/or designated as "Proprietary" pursuant to 4 CSR 240-2.135(1)(A).

RESPONSE PROVIDED BY:

John R. Kindschuh, Esq. and Diana M. Vuylsteke, Esq.
Bryan Cave LLP
Counsel for Veolia Energy Kansas City, Inc.
314-259-2313 (John); 314-259-2543 (Diana)

Date Response Provided: June 24, 2011