

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Missouri Gas Energy's Tariffs)	
Increasing Rates for Gas Service Provided to)	Case No. GR-2006-0422
Customers in the Company's Missouri)	
Service Area.)	

MOTION TO STRIKE PORTIONS OF THE SURREBUTTAL TESTIMONY
OF BARBARA MEISENHEIMER

COMES NOW Missouri Gas Energy ("MGE" or the "Company") and for its motion to strike portions of the surrebuttal testimony of the Office of Public Counsel ("Public Counsel") witness Barbara Meisenheimer, states as follows:

1. MGE requests an order from the Commission striking surrebuttal testimony of Barbara Meisenheimer commencing with the word "further" on line 8 of page 10 of her surrebuttal and through line 7 on page 12. In purporting to take issue with the conclusions of a study sponsored by MGE witness Dr. Philip Thompson, Ms. Meisenheimer refers to the testimony of a Mr. Roger Colton who is not a witness in this case, who is not a person with respect to whom the Company can obtain discovery and who will not be available to be cross-examined by the Company at the time of the hearing in this case. All of these tools are essential to ascertain the basis of his conclusions and to determine whether they are applicable in this case. To allow Ms. Meisenheimer to use a passing reference to Mr. Colton's 2001 testimony as a foundation for that aspect of her surrebuttal testimony would deny MGE its fundamental due process right to a fair hearing. If Public Counsel thought Mr. Colton's testimony to be important in this case, it should have arranged to have Mr. Colton (or some other person

who actually performed an analysis like that with which he is credited) file testimony in this case.

2. Ms. Meisenheimer's testimony on this topic is also flawed because it refers to "information from the U.S. Department of Energy, from the U.S. Department of Health and Human Services. . . and from the U.S. Bureau of Labor Statistics Consumer Expenditure Survey" which has not been included in her testimony and, consequently, is not properly before the Commission in this case. Simply put, Ms. Meisenheimer offers no evidence to support her claim that "low income consumers actually have below average natural gas usage."

3. Finally, Ms. Meisenheimer makes reference to certain calculations she performed based on unspecified data out of a Department of Energy Residential Energy Consumption Survey to bolster her claim, but her calculations are not contained in her testimony or any schedule attached to her testimony. She relies on these unidentified "results" from her unsupplied study to offer an opinion. This is junk science masquerading as analysis. It does not meet the minimum threshold standards for admissibility.

WHEREFORE, for the reasons aforesaid, MGE requests that the Commission strike that portion of Ms. Meisenheimer's surrebuttal testimony identified in paragraph 1 above and for such other orders as may be appropriate in the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was electronically transmitted, sent by U.S. Mail, postage prepaid, or hand-delivered, on this 4th day of January, 2007, to:

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