

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

Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	Case No. GC-2006-0491
)	
Missouri Pipeline Company, LLC;)	
Missouri Gas Company, LLC;)	
)	
Respondents.)	

**RESPONDENTS' MOTION TO DELAY FILING
REBUTTAL TESTIMONY AND MOTION FOR EXPEDITED TREATMENT**

Respondents, Missouri Pipeline Company (hereafter "MPC") and Missouri Gas Company (hereafter "MGC") move to delay filing of their rebuttal testimony in this matter. In support of this motion, Respondents state as follows:

1. The Commission established a procedural schedule in this matter on September 5, 2006.
2. The Commission's procedural schedule provides for Staff to file its direct testimony on September 6, 2006, and for Respondents to file rebuttal testimony on October 6, 2006.
3. Staff members Bob Schallenberg and Tom Imhoff filed direct testimony on September 6, 2006.
4. On September 8, 2006, Respondents sent their first set of data requests to Staff. Staff has agreed to respond to Respondents' data requests within 5 days of receipt. *See Staff's Proposed Procedural Schedule, August 22, 2006.*

5. Thus far, Staff has objected to some of Respondent's data requests and, on September 15, 2006, provided responses to certain of Respondents' first set of data requests. Respondents anticipate further discussing Staff's objections and possibly moving to compel responses.

6. On September 15, 2006, Respondents delivered their second and third sets of data requests to Staff. Most of the requests in the second and third sets were directed to specific Staff witnesses and identified specific statements in their direct testimony as the subject of the inquiry. (testimony was quoted and cited by page and line number). On September 21, 2006, Staff provided its "responses" to the second and third sets of data requests. Seizing on an obvious typographical error, which referenced "Case No. GC-2006-0378", Staff denied having filed the quoted and cited testimony. Respondents corrected the typographical error and again delivered their second and third sets of data requests on September 22, 2006. In the most generous light, Staff's responses were disingenuous and have caused unnecessary and undue delay in the discovery process.

7. To date, Staff's responses to certain items in Respondents' first set of data requests includes two full banker's box of documents and a compact disk.

8. Respondents are currently reviewing the voluminous information sent by Staff in response to Respondents' first round of data requests. Despite Staff's commitment to respond to discovery within five days, the material received to date is incomplete and, even under the best of circumstances would impair Respondents' ability to thoroughly prepare rebuttal testimony.

9. Due to a family medical emergency, Mr. David Ries has been out of state attending to necessary matters. Mr. Ries' father-in-law in Iowa is facing a life

threatening condition involving his heart. Mr. Ries is working to arrange adequate short and long-term care for his father-in-law so that his presence in Iowa will not be required. Faced with this emergency medical situation, Mr. Ries' unavailability was understandably unavoidable. For over two weeks, Mr. Ries was occupied caring for his father-in-law in addition to handling his normal pipeline duties. Consequently, he was not able to review Staff's direct testimony, responses to data requests, or develop Respondents' rebuttal testimony.

10. Because Respondents are small companies, with only 10 employees, Mr. Ries is the only person with requisite knowledge of the companies and their business to address issues raised by Staff, and thus is essential to the preparation of Respondents' rebuttal testimony. Almost all of Staff's testimony deals with contracts, activities, and actions involving Mr. Ries. Therefore, Respondents cannot prepare their rebuttal testimony without Mr. Ries.

11. Mr. Ries has been able to return to business recently, but is currently fully engaged in managing three ongoing construction and maintenance projects for Respondents in addition to his normal pipeline duties while working with his representatives to prepare Respondents' rebuttal testimony.

12. Due to delays in the discovery process, the need to address objections and obtain complete answers, as well as the time lost while Mr. Ries was unavailable while attending to the family medical emergency, and the continuing nature of his obligations, Respondents will require more time to review Staff's testimony, responses to data requests, and prepare rebuttal testimony.

13. Pursuant to 4 CSR 240-2.080 (16), Respondents request that the Commission act upon this request by September 29, 2006. Rebuttal testimony is currently due to be filed October 6, 2006, and Respondents request an expedited ruling so that they can best allocate their scarce resources. This pleading is being filed as soon as it became clear to Respondents that it would be impossible to file rebuttal testimony as currently scheduled.

WHEREFORE, Respondents respectfully submit to delay filing of their rebuttal testimony until November 7, 2006, and propose to move the pre-hearing conference date to November 14, 2006.

Respectfully submitted,

LATHROP & GAGE, L.C.

/s/ Paul S. DeFord

Paul S. DeFord
Suite 2800
2345 Grand Boulevard
Kansas City, MO 64108-2612
Telephone: (816) 292-2000
Facsimile: (816) 292-2001

Aimee D.G. Davenport Mo #50989
314 E. High Street
Jefferson City, MO 65101
Phone: (573) 893-4336
FAX: (573) 893-5398
Email: adavenport@lathropgage.com

Attorneys for Respondents

Dated: September 25, 2006

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Respondents' Response to Staff's Proposed Procedural Schedule, has been transmitted by e-mail or mailed, First Class, postage prepaid, this 25th day of September, 2006, to:

*** Case No.** GC-2006-0491

Name of Company Name of Party	Email Phone Fax	<u>Street Address</u>	<u>Mailing Address</u>	City	State	Zip
Missouri Public Service Commission General Counsel	GenCounsel@psc.mo.gov 573-751-2481 573-751-9285	200 Madison Street, Suite 800	P.O. Box 360	Jefferson City	MO	65102
Office Of The Public Counsel Mills R Lewis	opcservice@ded.mo.gov 573-751-1130 573-751-1556	200 Madison Street, Suite 650	P.O. Box 2230	Jefferson City	MO	65102
Missouri Public Service Commission Schwarz Tim	Tim. Schwarz@psc.mo.gov	200 Madison Street, Suite 800	P.O. Box 360	Jefferson City	MO	65102
Missouri Public Service Commission Shemwell Lera	Lera.Shemwell@psc.mo.gov	200 Madison Street, Suite 800	P.O. Box 360	Jefferson City	MO	65102
AmerenUE Kurtz M David	Kurtz@smithlewis.com 573-443-3141 - Ext 237 573-442-6686	111 S. Ninth St., Suite 200	PO Box 918	Columbia	MO	65205-0918
AmerenUE Lowery B James	lowery@smithlewis.com 573-443-3141 573-442-6686	111 S. Ninth St., Suite 200	PO Box 918	Columbia	MO	65205-0918
Federal Executives Agencies Rohrer Jeffrey H	Jeffrey.H.Rohrer@US.Army.Mil 573-596-0626 573-596-0632	125 E 8th St		Ft Leonard Wood	MO	65473-8942
Federal Executives Agencies	David.McCormick@US.Army.Mil 703-696-1646 703-696-2960	901 N. Stuart St., Room	JALS- RL 4147	Arlington	VA	22203-1837

Name of Company Name of Party	Email Phone Fax	Street Address	Mailing Address	City	State	Zip
McCormick A David		713				
Laclede Gas Co Pendergast C Michael	mpendergast@lacledegas.com 314-342-0532 314-421-1979	720 Olive Suite 1520		St. Louis	MO	63101
Muni Gas Commission Woodsmall David	dwoodsmall@fcplaw.com 573-635-2700 573-635-6998	428 E Capital Suite 300		Jefferson City	MO	65102
Muni Gas Commission Conrad Stuart	stucon@fcplaw 816-753-1122 816-756-0373	3100 Broadway Suite 1209		Kansas City	MO	64111
Muni Gas Commission Kincheloe E Duncan	dkincheloe@mpua.org 573-445-3279 573-445-0680	2407 W Ash		Columbia	MO	65203
Southern MO Natural Gas Fischer James	jfischerpc@aol.com 573-636-6758 573-636-0383	101 Madison Suite 400		Jefferson City	MO	65101
Union Electric Co Byrne Thomas M	TByrne@Ameren.com 314-554-2514 314-554-4014	1901 Chouteau Avenue	P.O. Box 66149 (MC 1310)	St. Louis	MO	63166- 6149

/s/ Paul S. DeFord
Attorney for Respondents