

**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 FOR RECONSIDERATION

Respondents, Missouri Pipeline Company (hereafter "MPC") and Missouri Gas Company (hereafter "MGC") move that the Commission reconsider its Order Denying Respondents' Motion to Delay Filing Rebuttal Testimony. Respondents have legitimate need for a brief extension until October 16, 2006. Further, Respondents' request will not impact the scheduled hearing dates in December 2006.

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. On September 26, 2006, Respondents filed their *Motion to Delay Rebuttal Testimony and Motion for Expedited Treatment* (hereafter "Respondents' Motion"), requesting that the Commission rule by September 29, 2006.

4. On September 29, 2006, the Commission denied Respondents' motion, explaining that Respondents have not shown a genuine need for an extension. *See Order Denying Motion to Delay Filing Rebuttal Testimony*, page 2, paragraph 3, Sept. 29, 2006.

5. Respondents request that the Commission reconsider their request for a short delay in filing rebuttal testimony, taking into consideration Respondents' genuine need for more time and since all subsequent filing dates in the matter will not be impacted. Consistent with Staff's alternate offer, Respondents request until October 16, 2006 to submit rebuttal testimony.

6. Respondents' request is based upon necessity. Unlike most other, larger regulated utilities, Respondents must rely on one person, Mr. Dave Ries, to draft their rebuttal testimony. Although the procedural schedule has been established since September 5, 2006, Respondents could not begin preparing their rebuttal testimony until receiving Staff's direct testimony on September 6, 2006, and Staff's responses to some of Respondents' data requests thereafter. Due to the fact that Mr. Ries left depositions in St. Louis on August 29, 2006 and was in Iowa caring for his father-in-law through September 18, 2006, Respondents were not able to commence drafting their rebuttal testimony until his return. Since his return, Mr. Ries has only been given 11 days to date to read Staff's testimony, review three boxes of responses to data requests, and begin preparing rebuttal testimony. Accomplishing all of this in such a short timeframe is not possible while Mr. Ries continues to make arrangements for long-term care for his father-in-law and does not seem reasonable in light of the significant amount of time Staff had since the filing of its complaint to draft its direct testimony. Staff is requesting sanctions

against MPC and MGC and due process requires adequate time to respond to Staff's testimony.

7. Respondents are requesting to submit their rebuttal testimony only 10 days after the original, Commission-ordered date. The only date that would need to be modified in this proceeding is the date of the pre-hearing conference. Because the pre-hearing conference is currently scheduled for October 12 and 13, 2006, it would need to be delayed slightly. If acceptable to all other parties and the Commission, the pre-hearing conference could be held on October 19 and 20, 2006 to accommodate this change. Respondents' request is consistent with Staff's alternate offer in its Response to Respondents' Motion.

8. Respondents fully intend to cooperate in rescheduling Mr. Ries' deposition. Staff continues to characterize Mr. Ries' unplanned absence due to his family emergency as "uncooperative." This is a blatant mischaracterization. At the time Mr. Ries had to leave the deposition, Staff did not raise any questions about the legitimacy of Mr. Ries' family medical emergency. Everyone has had to, or will have to cope with the serious medical conditions of parents and family members so it is inconceivable that Staff would now fail to recognize the validity of this emergency. To allow Respondents to file timely rebuttal testimony, Respondents propose to make Mr. Ries available for his deposition as soon as the rebuttal testimony is filed.

WHEREFORE, Respondents respectfully request the Commission to reconsider its order denying Respondents' request to delay rebuttal testimony and grant Respondents

until October 16, 2006, to file rebuttal testimony, moving the pre-hearing conference to a mutually agreeable date after October 16, 2006.

Respectfully submitted,

LATHROP & GAGE, L.C.

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Attorneys for Respondents

Dated: September 29, 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 29th day of September, 2006, to:

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

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