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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 5th
day of February, 1998.

In the Matter of Missouri Gas Energy's)	
Tariff Sheets Designed to Increase Rates)	<u>Case No. GR-98-140</u>
for Gas Service in the Company's Missouri)	
Service Area.)	
In the Matter of Missouri Gas Energy's)	
Proposed Modifications to its Facilities)	<u>Case No. GT-98-237</u>
Extension Policy.)	

ORDER GRANTING MOTION TO COMPEL IN PART,
DENYING MOTION TO COMPEL IN PART AND
GRANTING EXPEDITED CONSIDERATION

On January 23, 1998, Riverside Pipeline Company, L.P. and Mid-Kansas Partnership (Riverside/Mid-Kansas) jointly filed a Motion to Compel Responses to Data Requests and for Expedited Consideration. Riverside/Mid-Kansas argue that Missouri Gas Energy, a division of Southern Union Company (MGE), made inappropriate objections to the first set of data requests submitted by Riverside/Mid-Kansas on January 5. A copy of the data requests with response are attached to the motion.

Riverside/Mid-Kansas indicate that MGE's sole basis for objecting to data requests 2 through 102 is that the data requests are not "relevant to, nor reasonably calculated to lead to the discovery of admissible evidence regarding, the interests Riverside/Mid-Kansas have expressed in this proceeding." Riverside/Mid-Kansas contend that the proper standard for discovery is that the request be reasonably calculated to lead to the discovery of admissible evidence according to Rule 56.01(b)(1) of the Rules of Civil Procedure which supplements Commission

material. MGE insists that on-site review is adequate to meet the interests that Riverside/Mid-Kansas have expressed so far. MGE asserts that granting the motion for expedited consideration would be contrary to the public interest because Riverside/Mid-Kansas has no need for the information sought.

On February 3 Riverside/Mid-Kansas filed a reply to MGE's response. Riverside/Mid-Kansas point out that MGE cites no case, statute, rule or regulation for its objection to data requests 2 through 102 or for its request to revoke the intervention of Riverside/Mid-Kansas. Riverside/Mid-Kansas add that in MGE's last rate case, Riverside/Mid-Kansas submitted testimony on several issues including, but not limited to, rate of return and accounting type issues. Given that MGE's responses to data requests should have been received by Riverside/Mid-Kansas on January 25, 1998, Riverside/Mid-Kansas request that the Commission order MGE to respond immediately by a date certain as requested in the Motion to Compel and for Expedited Consideration.

Riverside/Mid-Kansas argue that the case cited by MGE in regard to data request number one is not truly on point because that case dealt with a data request submitted by an intervenor to Staff requesting copies of data requests Staff submitted to another party. Riverside/Mid-Kansas state that MGE should not be allowed to redefine the term "voluminous." Nevertheless, Riverside/Mid-Kansas state they will agree to review the material on-site regarding data request number one, although they do not waive the right to request copies made of those requests and responses (including but not limited to material stored in computer-readable format such as diskettes) of which Riverside/Mid-Kansas reasonably determines it needs copied and to take those copies off the premises.

The Commission has reviewed the Motion to Compel and Motion for Expedited Consideration filed by Riverside/Mid-Kansas, the response filed by MGE and the reply filed by Riverside/Mid-Kansas. The Commission finds that because Riverside/Mid-Kansas are preparing their direct testimony, the Commission will consider the matter as expeditiously as its docket will permit. The Commission finds that with respect to data request number one, on-site review of the materials is sufficient in this case. Therefore, the Commission will deny Riverside/Mid-Kansas' motion with respect to data request number one.

The Commission determines that with respect to data requests numbered 2 through 102, Riverside/Mid-Kansas' motion to compel responses should be sustained. The Commission finds that although Riverside/Mid-Kansas applied for intervention on the basis of operational concerns, their discovery should not be limited in scope to the extent suggested by MGE. Therefore, the Commission will grant Riverside/Mid-Kansas' motion to compel responses to data requests 2 through 102 and will order MGE to respond to these data requests no later than February 18, 1998. The Commission determines that the intervention status of Riverside/Mid-Kansas should not be revoked as suggested by MGE.

IT IS THEREFORE ORDERED:

1. That the Motion to Compel Responses to Data Requests and for Expedited Consideration is granted in part and denied in part as provided herein.

2. That Missouri Gas Energy, a division of Southern Union Company, (MGE) shall provide responses to data requests numbered 2 through 102 which were submitted on January 5, 1998, by Riverside Pipeline Company, L.P. and Mid-Kansas Partnership, no later than February 18, 1998.

3. That this order shall become effective on February 18,
1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur.

G. George, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION