

**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 and	)	
Missouri Gas Company, LLC	)	
	)	
Respondents.	)	

**STAFF’S RESPONSE TO RESPONDENTS REPLY TO  
STAFF’S AND MGCM’S RESPONSE TO  
RESPONDENTS’ MOTION TO STRIKE**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and urges the Commission to deny Respondents’ Motion to Strike the Testimony of Dr. Eve Lissik. In support of its position, Staff states:

1. In determining whether to strike the testimony of Dr. Eve Lissik, whom Staff certainly believes to be an expert, the Commission should consider the deleterious effect of such a decision.

2. The Commission issues protective orders to protect sensitive or highly confidential information from competitors, not to shield wrongdoers from the consequences of their misdeeds. MPC and MGC have no competitors. They are the only pipelines that serve this certificated area.

3. Competition arises in the area of the sale of the commodity. MPC and MGC are prohibited by tariff from selling natural gas.

4. The overriding public interest in this case weighs against striking Dr. Lissik’s

testimony. By striking Lissik's testimony on the basis of Respondents' twisted abuse of the Commission's standard protective order, the Commission will set its stamp of approval on Respondents' conduct.

5. Dr. Lissik's is the only testimony filed in this case that establishes the actual damage inflicted by MPC and MGC's misconduct in favoring an affiliate over other shippers on the system.

6. The protective order is not intended to immunize wrong-doers from the consequences of their actions. Determination of the damages suffered by shippers on the pipeline is an essential element to holding Respondents accountable for their actions in violating their own tariffs.

7. Neither are protective orders designed to protect information for which there is no reasonable or valid claim that the information should be considered confidential. This Commission has regularly pushed for release of all information that may be made public.

8. Respondent's have failed to review the information in Staff's testimony or in the depositions taken as HC in their entirety to determine what is public information and what is confidential.

9. Respondents should not be permitted to misuse the Commission's protective order to deny access to public information.

WHEREFORE, the Staff respectfully asks that the Commission deny Respondents' Motion to Strike Dr. Lissik's Testimony and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record on this **2<sup>nd</sup> Day of November, 2006.**

/s/ Kevin A. Thompson