

The Commission finds that the information requested in the data requests exceeds the scope of this litigation, is not likely to produce information relevant to any existing or potential issue in this case, and is therefore irrelevant. It should be noted that the central issue governing the scope of this case, and therefore the scope of discovery, is whether the proposed purchase by SU of WRI "is not detrimental to the public interest." (See Case No. WM-93-255 for a full discussion of current Commission standards in sale and merger cases.) In this regard it is the position of the Commission that the desired information concerning the potential contractual negotiations between SU and various gas shippers, suppliers or transporters, while at some point in the future subject to Commission review, is not relevant to the issues in this case. This is particularly true in light of the fact that no issue has been prosecuted to this point by any party in which it is alleged that SU cannot now or will not be capable in the future of providing an adequate supply of gas to WRI's service area.

The Commission would add that, while it is permissible for RPC to depose Mr. Ficken as planned, the parties should note the above opinion in regard to the scope of the issues in this case. With this in mind, the Commission agrees that it is appropriate for Mr. Ficken to be deposed on December 15, 1993 as requested.

Therefore, for the above reasons, the motion by RPC for acceleration of discovery is limited as set out above.

IT IS THEREFORE ORDERED:

1. That the motion, filed on December 3, 1993 by Riverside Pipeline Company, for acceleration of discovery is limited as set out above in specific.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script that reads "David L. Rauch". The signature is written in black ink and is positioned above the printed name and title.

David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC., concur.