

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

William L. Gehrs, Jr.,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2018-0033</u>
)	
The Empire District Electric Company,)	
)	
Respondent.)	

STAFF REPONSE TO MOTION TO ALLOW INQUIRY OF THIRD PARTY

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through undersigned counsel, and submits its Response to Complainant's Motion to Allow Inquiry of Third Party, and for said Response states:

1. On June 5, 2018, William L Gehrs, Jr., ("Complainant") filed a Motion to Allow Inquiry of Third Party ("Motion"), in which Complainant requests the permission of the Commission to present a certain data request response of The Empire District Electric Company ("Company") provided in this case, to a separate Company customer ("Separate Customer") who has filed a lawsuit against Company in circuit court.

2. In the Motion, Complainant seeks to obtain the Separate Customer's response to the Company's data request response because Complainant views the statements of Company's response to the data request in this case as being opposite from a statement made in the Separate Customer's circuit court petition.

3. In the Motion, Complainant requests Commission permission to present the response to the Separate Customer to obtain the Separate Customer's response "without violation of our confidentiality agreement."

4. Based on the foregoing, Staff views the Motion as if, pursuant to 4 CSR 240-2.135(19), Complainant seeks a waiver from the Commission's confidentiality rules in order to conduct a form of discovery.

5. Under 4 CSR 240-2.090(1), "[d]iscovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court."

6. Missouri Court Rule 56.01(b)(1) provides for General Provisions Governing Discovery and states in part that "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party." Further, "[i]t is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."

7. Staff has no position with respect to Complainant's Motion.

WHEREFORE, Staff respectfully submits its Response to Motion to Allow Inquiry of Third Party for the Commission's information and consideration.

Respectfully submitted,

/s/ Alexandra L. Klaus

Alexandra L. Klaus

Legal Counsel

Missouri Bar No. 67196

Attorney for the Staff of the

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

573-751-1854 (Voice)

573-751-9285 (Fax)

lexi.klaus@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and/or counsel of record on this 7th day of June, 2018.

/s/ Alexandra L. Klaus