

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

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| In the Matter of the Laclede Gas Company's |) | |
| Request to Increase Its Revenues for Gas |) | File No. GR-2017-0215 |
| Service |) | Tariff No. YG-2017-0195 |
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| In the Matter of the Laclede Gas Company d/b/a |) | |
| Missouri Gas Energy's Request to Increase Its |) | File No. GR-2017-0216 |
| Revenues for Gas Service |) | Tariff No. YG-2017-0196 |

STATEMENT OF DISCOVERY DISPUTE

COMES NOW the Midwest Energy Consumers' Group ("MECG"), pursuant to provision 2(O) of the Commission's May 24, 2017 *Order Adopting Procedural Schedule and Delegating Authority*, and for its Statement of Discovery Dispute respectfully states as follows:

1. On May 24, 2017, the Commission issued its *Order Adopting Procedural Schedule and Delegating Authority*. Provision 2(O) of that Order provides:

Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement or concern must attend.

2. The Commission currently has a discovery conference scheduled for July 12. Consistent with Provision 2(O) of the procedural schedule order, MECG notifies the Commission of the following discovery dispute and ask that this dispute be decided at the July 12 discovery conference.

3. On May 30, 2017, MECG submitted its first set of data requests to Laclede / MGE. That data request asked Laclede / MGE to identify all transportation customers, by name

and account number, and provide billing determinants for the most recent 12 month period. (See, Attachment A).

4. On June 9, 2017, Laclede / MGE submitted its objection to the MECG data request. (See, Attachment B). Specifically, Laclede / MGE stated:

Laclede objects to this DR because it requests private customer-specific information that is not reasonably calculated to lead to the discovery of admissible evidence in these cases. While we could understand your request for usage and billing information for the class as a whole, seeking the name, account number, usage and monthly billing determinants for each transportation customer appears to be nothing more than an effort to pry into these individual customer accounts for unwarranted and gratuitous purposes.

5. Information is Relevant: It is well established that “[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to a pending action or reasonably calculated to lead to the discovery of admissible evidence.”¹ The information sought through the data request in question is reasonably calculated to lead to the discovery of admissible evidence.

Rate design is a critical part of any rate proceeding. As it applies to the transportation tariff, MECG anticipates that it as well as other parties may suggest rate design alternatives that will change, to various degrees, the customer, reservation, transportation or commodity charges. Rate changes to each of these various charges will have differing impacts on transportation customers based upon any particular customer’s monthly billing determinants. The only way that the impact of rate design proposal on a specific customer may be measured is by having that customer’s specific monthly billing determinants. Absent these billing determinants, parties are unable to gauge whether a specific rate design proposal would increase or decrease a specific customer’s total monthly bills or the magnitude of that increase / decrease. Clearly then, a data request for the identification of transportation customers and the billing determinants of those customers is designed to lead to the discovery of admissible evidence.

¹ See, Mo. Sup. Ct. Rule 56.01(b)(1), Commission Rule 4 CSR 240-2.090(1).

6. Information is Routinely Provided: Given the fact that rate design is an issue in virtually every rate case, the information sought in the MCEG Data Request is routinely sought in rate cases. Indeed, in the recent Public Counsel complaint against Laclede / MGE (Case No. GC-2016-0297, MCEG issued an identical data request. (See, Attachment C). There, Laclede / MGE provided a response to the data request without any objection. Strangely, less than a year later, Laclede / MGE now find the same data request to be offensive.

On the electric side, parties have routinely issued the same type of data request in all of the recent electric rate cases. For instance, in Case No. ER-2016-0285, KCPL responded to Data Request 113 which provided billing determinants, on a customer-specific basis, for the large industrial rate class. Additionally, in Case No. ER-2016-0179, Ameren provided similar information in response to Data Request Nos. 194, 199 and 338. Furthermore, in Case No. ER-2016-0156, GMO responded to Data Request Nos. 111, 117 and 344. Finally, in Case No. ER-2016-0023, Empire responded to Data Request 188. Clearly, the fact that so many utilities have provided responses to this same data request is reflective of the relevance of the requested information.

7. Confidentiality Can Be Maintained: In its objection, Laclede notes that the data request seeks “private customer-specific information.” As the Commission is undoubtedly aware, Commission Rule 4 CSR 240-2.135 provides that customer-specific information shall be treated as “confidential” information. As such, there are limits placed on the disclosure of such information and protections necessary to maintain the confidential nature of such information. In 25 years of practice, under-signed counsel has never been accused of violating the Commission’s rules of confidentiality. Certainly, any concerns regarding the confidential nature of such information is easily handled under the Commission’s rules for handling such information.

WHEREFORE, MECG respectfully requests that the Commission order Laclede / MGE to respond to its data request.

Respectfully submitted,

WOODSMALL LAW OFFICE

/s/ David Woodsmall

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ATTORNEY FOR THE MIDWEST ENERGY
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing pleading has been served by electronic means on all parties of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.

/s/ David Woodsmall

David Woodsmall

Dated: July 10, 2017

ATTACHMENT A

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

In the Matter of Laclede Gas Company's)
Request to Increase its Revenues for)
Gas Service)
Case No. GR-2017-0215

**FIRST SET OF DATA REQUESTS OF
MIDWEST ENERGY CONSUMERS' GROUP**

Midwest Energy Consumers' Group submits the following set of data requests to Laclede Gas Company:

1. (a) please identify by name, and account number, each of Laclede Gas Company's transportation customers;

- (b) for each transportation customer identified in (a), please provide the number of Ccf's delivered in the most recent 12 month period; and

- (c) for each transportation customer identify in (a), please provide all monthly billing determinants (customer charge, reservation charge, transportation charge, etc.) used to calculate monthly invoices for the most recent 12 month period.

ATTACHMENT B



Rick Zucker
Associate General Counsel

Laclede Gas Company
700 Market Street
St. Louis, MO 63101
(314) 342-0533

June 9, 2017

VIA ELECTRONIC MAIL
david.woodsmall@woodsmalllaw.com

Mr. David Woodsmall
807 Winston Court
Jefferson City, MO 65101

Re: Case No. GR-2017-0215 (Laclede Gas (“LAC”)) and GR-2017-0216 (MGE);
Objection to Midwest Energy Consumers’ Group (MECG) Data Request 1

Dear David:

On behalf of LAC and MGE (sometimes referred to together as “Laclede”), and pursuant to Commission Rule 2.090(2), I am writing to object to MECG’s DR 1. The DR is copied below:

- (a) please identify by name, and account number, each of Laclede’s transportation customers;
- (b) for each transportation customer identified in (a), please provide the number of Ccf’s delivered in the most recent 12 month period; and
- (c) for each transportation customer identified in (a), please provide all monthly billing determinants (customer charge, reservation charge, transportation charge, etc.) used to calculate monthly invoices for the most recent 12 month period

Laclede objects to this DR because it requests private customer-specific information that is not reasonably calculated to lead to the discovery of admissible evidence in these cases. While we could understand your request for usage and billing information for the class as a whole, seeking the name, account number, usage and monthly billing determinants for each transportation customer appears to be nothing more than an effort to pry into these individual customer accounts for unwarranted and gratuitous purposes.

However, if you wish to identify specific customers who are participating as clients of the MECG in this case, and who have authorized the release of such information, we are willing to provide such information to you on a highly confidential basis,

Please feel free to contact me if you would like to further visit this issue.

Sincerely,

/s/ Rick Zucker

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