

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

Staff of the Missouri Public Service Commission)	
)	
Complainant,)	
)	
v.)	Case No. GC-2006-0491
)	
Missouri Pipeline Company, LLC)	
Missouri Gas Company, LLC,)	
)	
Respondents.)	

ANSWER TO COMPLAINT

COMES NOW Respondents Missouri Pipeline Company, LLC (hereafter "MPC")
and Missouri Gas Company, LLC (hereafter "MGC") and for their answer to Staff
Complaint, state as follows:

1. Respondents admit the allegations in paragraph 1.

2. ** _____

_____. **

3. Respondents admit the allegations in paragraph 3.

4. Respondents deny the allegations in paragraph 4.

5. Respondents deny the allegations in paragraph 5.

6. Commission Rule 4 CSR § 240-2.070(1) speaks for itself.

7. Respondents deny the allegations in paragraph 7.

8. Respondents deny the allegations in paragraph 8.

9. The general terms and conditions of MPC's and MGC's tariffs at P.S.C.

MO. No. 3 Sheet No. 39, Paragraph 12.c speak for themselves.

10. Respondents deny the allegations in paragraph 10. Answering further,

** _____

_____.**

11. Respondents admit that Mr. David Lodholz was a full-time employee of MPC serving as a Controller of Omega. Answering further, ** _____

_____.** Respondents deny all further allegations in paragraph 11.

12. Respondents deny the allegations in paragraph 12.

13. The general terms and conditions of MPC's and MGC's tariffs at P.S.C.

MO No. 3 Sheet No. 39, Paragraph 12.c speak for themselves.

14. Respondents deny the allegations in paragraph 14.

15. Respondents deny the allegations in paragraph 15.

16. Respondents deny the allegations in paragraph 16.

17. The general terms and conditions of MGC's tariff at P.S.C. MO. No. 3 Sheet No. 6 and Sheet No. 7 speak for themselves.

18. Respondents deny the allegations in paragraph 18. Answering further, ** _

_____.**

19. Respondents deny the allegations in paragraph 19. Answering further, **_

_____.**

20. Respondents admit the first sentence of paragraph 20. Respondents deny the remaining allegations in paragraph 20. Answering further, Omega is not a party to this action.

21. Respondents deny the allegations in paragraph 21. Answering further, Omega is not a party to this action.

22. Respondents deny the allegations in paragraph 22. Answering further, **_

_____.**

23. Respondents deny the allegations in paragraph 23.

24. The general terms and conditions of MGC's tariff at P.S.C. No. 3 Sheet No. 39, Paragraph 12c speak for themselves.

25. Respondents deny the allegations in paragraph 25.

26. Respondents deny the allegations in paragraph 26.

27. Respondents deny the allegations in paragraph 27.

28. The general terms and conditions of MGC's tariff at P.S.C. MO. No. 3 Sheet No. 4, Paragraph 2 speak for themselves.

29. The general terms and conditions of MGC's tariff at P.S.C. MO. No. 2 Sheet No. 31, Paragraph 6.e speak for themselves.

30. Respondents deny the allegations in paragraph 30. Answering further,

** _____

_____.**

31. Respondents deny the allegations in paragraph 31.

32. The general terms and conditions of MGC's tariff at P.S.C. MO. No. 3 Sheet No. 39, Paragraph 12.a speak for themselves.

33. Respondents deny the allegations in paragraph 33.

34. Respondents deny the allegations in paragraph 34.

35. Respondents admit that Staff participated in a pre-hearing conference to discuss discovery matters and procedural schedules in Case No. GC-2006-0378 on June 6, 2006. Respondents are without sufficient knowledge to admit or deny whether the last available hearing dates for the Commission to hear this case are in October. Respondents deny the remaining allegations in paragraph 35.

36. Respondents admit the first two sentences in paragraph 36. Respondents deny all remaining allegations in paragraph 36. Answering further, MPC provided nearly all of the responses to Staff's pending data and production of document requests within 30-45 days after the pre-hearing conference. MPC provided much of the information even before the June 6, 2006 pre-hearing conference. The allegations raised in this paragraph are moot.

37. Respondents deny all allegations in paragraph 37. Answering further, depositions for both Mr. Dave Ries and Mr. David (BJ) Lodholz were taken the week of July 17, 2006. The allegations raised in this paragraph are moot.

38. Respondents deny the allegations in paragraph 38.

39. Respondents are without sufficient knowledge to admit or deny the allegations in paragraph 39.

40. Section 386.390(1), Revised Statutes of Missouri speaks for itself.

41. Section 386.390.2, Revised Statutes of Missouri speaks for itself.

Answering further, Respondent denies that the allegations raised in Case No. GC-2006-0491 should be treated separately from Case No. GC-2006-0378. This Commission's order of June 22, 2006 acknowledges that the issues raised in Staff's complaint in Case No. GC-2006-0491 are related to Case No. GC-2006-0378 (*see Order Directing Notice and Setting Date For Submission of Intervention Requests at.1*). Therefore, Respondents will be filing a motion to dismiss Staff's Complaint in Case No. GC-2006-0491 or in the alternative, a motion to consolidate it into Case No. GC-2006-0378 per § 386.390.2, RSMo.

42. Respondents deny the allegations in paragraph 42.

43. Staff complaint did not contain a paragraph 43.

44. Respondents deny the allegations in paragraph 44. Answering further, Staff's request for an a different procedural schedule is contrary to this Commission's June 27, 2006 Order Adopting Procedural Schedule in Case No. GC-2006-0378. Staff should not be authorized to circumvent this Commission's order setting a procedural schedule in an existing case involving the same or related issues. Parties are addressing the issues raised in this Complaint in Case No. GC-2006-0378 for which a procedural schedule has already been established. Staff is estopped by law and should not be allowed a second attempt to gain a procedural schedule contrary to what this Commission has already ordered. Staff's request to circumvent the Procedural Schedule in Case No. GC-2006-0378 will be an inefficient use of the Commission's time because the issues raised in the instant Complaint are already addressed in GC-2006-0378 and will only

create duplicative discovery and extra set of pleadings, briefs, testimony and hearings for Respondents and Intervenors.

Respectfully submitted,

LATHROP & GAGE, L.C.

/s/ **Paul S. DeFord**

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Respondents' Motion to Establish a Procedural Schedule, transmitted by e-mail or mailed, First Class, postage prepaid, this 21st day of July, 2006, to:

*** Case No.** GC-2006-0491

Name of Company Name of Party	Email Phone Fax	<u>Street Address</u>	<u>Mailing Address</u>	City	State	Zip
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Name of Company Name of Party	Email Phone Fax	Street Address	Mailing Address	City	State	Zip
A David						
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Muni Gas Commission Woodsmall David	dwoodsmall@fcplaw.com 573-635-2700 573-635-6998	428 E Capital Suite 300		Jefferson City	MO	65102
Muni Gas Commission Conrad Stuart	stucon@fcplaw 816-753-1122 816-756-0373	3100 Broadway Suite 1209		Kansas City	MO	64111
Muni Gas Commission Kincheloe E Duncan	dkincheloe@mpua.org 573-445-3279 573-445-0680	2407 W Ash		Columbia	MO	65203
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/s/ Paul S. DeFord
Attorney

