

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

Yvonne Ferguson,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2009-0138
)	
Missouri Gas Energy,)	
)	
Respondent.)	

MGE’S MOTION FOR VARIANCE

COMES NOW Missouri Gas Energy, a division of Southern Union Company (MGE or Respondent), and, pursuant to 4 CSR 240-2.135(22), respectfully states the following to the Missouri Public Service Commission (Commission) as its Motion for Variance:

1. On January 2, 2009, a Complainant Reply Form was filed in this case as a “highly confidential” document. In accordance with Commission Rule 4 CSR 240-2.135(4), “highly confidential information may be disclosed only to the attorneys of record, or outside experts that have been retained for the purpose of the case.”

2. As this is a complaint case, it carries with it the ultimate possibility of civil penalties for MGE. Accordingly, MGE employees should be given access to documents containing information that may be relevant to a complaint against MGE. This is especially true in regard to information provided by the Complainant.

3. Commission Rule 4 CSR 240-2.135(22) states, in part, the following in regard to the confidentiality rule -- “The commission may waive or grant a variance from any provision of this rule for good cause shown.”

4. While MGE recognizes the interest in maintaining confidentiality as to customer-specific information, it also believes that in order defend itself against complaints, MGE employees need to have access to information provided by a complainant that is relevant to that complaint.

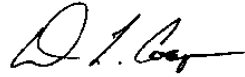
5. MGE therefore requests that the Commission grant it a variance from Commission Rule 4 CSR 240-2.135 as to customer-specific information filed in this case, for the duration of this case. MGE proposes that such variance permit MGE to treat the Complainant Reply Form, and other customer-specific information, as if it were “proprietary” for purposes of this case. The result of this would be to allow the subject document to be “disclosed only to the attorneys of record . . . and to employees of [MGE] who are working as subject-matter experts for those attorneys or who intend to file testimony. . . .” *See* Commission Rule 4 CSR 240-2.135(3). Thus, a level of confidentiality would be maintained while still allowing those MGE employees participating in the case to review the material.

6. Counsel for the Staff of the Commission has indicated that the Staff supports this motion.

WHEREFORE, Respondent Missouri Gas Energy, prays the Commission issue its order granting the requested motion for variance and permitting MGE to treat customer-specific

information filed in this case as if it had been designated as proprietary.

Respectfully submitted,



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ATTORNEYS FOR MISSOURI GAS ENERGY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or by U.S. Mail, postage prepaid, on January 9, 2008, to the following:

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