

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

**In the Matter of the Request of)
Liberty Utilities (Midstates Natural Gas) Corp.)
d/b/a Liberty to Implement a General Rate)
Increase for Natural Gas Service in the Missouri)
Service Areas of the Company.)**

Case No. GR-2024-0106

**MISSOURI SCHOOL BOARDS’ ASSOCIATION RESPONSE
TO ORDER DIRECTING FILING**

Comes Now the Missouri School Boards’ Association (“MSBA”), by and through counsel, and files this Response to Order Directing Filing, and respectfully states the following:

1. On August 6, 2024, the Commission issued its Order Setting Time for Responses to the Office of Public Counsel’s (“OPC”) Motion to Compel. The Order directed those responses be filed no later than August 15, 2024.

2. On August 6, 2024, Liberty Utilities (“Midstates Natural Gas”) d/b/a Liberty Utilities (“Liberty”) filed its Response to Order Directing Filing and Reply to Public Counsel’s Response to Motion for Protective Order.

3. OPC’s Motion to Compel asks the Commission to direct Liberty to immediately provide all materials and information responsive to data request 3006. DR 3006, in its entirety, reads as follows: “Please provide all minutes, materials, presentations, etc. involving Algonquin Power & Utilities Corporation’s (“APUC”) Strategic Review Committee, formed in May 2023.”

4. In its filing, Liberty made negative assertions related to MSBA:

- a. MSBA, as a not-for-profit school association for the aggregate purchasing of natural gas supplies and pipeline transportation services on behalf of eligible school entities in accordance with section 393.310, RSMo., is allegedly a direct competitor of Liberty for certain large customers (specifically school districts in Liberty’s service area) for which the following confidential information

would be helpful to the MSBA, and detrimental to the commercial interests of Liberty.

5. MSBA strongly disputes that it is a competitor of Liberty for any customers. MSBA operates as an aggregator of natural gas supply for school entities under 393.310, RSMo., and under Liberty's Missouri School Transportation Service Tariff (Sheet Nos. 60-66). MSBA does not supply any entity with natural gas but administers competitive bidding for gas supply among Commission-certified suppliers for MSBA-sponsored schools. As such, MSBA cannot compete with Liberty's customers taking PGA gas. It is unclear to MSBA if Liberty's regulated natural gas entity is attempting to protect a non-regulated gas supplier affiliate from competition and to what extent the cost of this protective activity is being paid by regulated customers. According to Liberty's Natural Gas Transportation Service Tariff (Sheet No. 50), service under this rate schedule is available to commercial and industrial customers using 100,000 Ccf or more per year. MSBA is not aware of any school entities in Liberty's service territory that are large enough to qualify for service under Liberty's Natural Gas Transportation Service Tariff and be subject to competition for gas supply from a Liberty non-regulated affiliate.

6. Furthermore, Liberty provides no details even to the general nature of the "minutes, materials, presentations, etc. involving Algonquin Power & Utilities Corporation's ("APUC") Strategic Review Committee, formed in May 2023," but it seems highly unlikely that such information from Liberty's parent entity would include items like "negotiated terms and conditions of contracts; pricing information for certain customers; and information regarding system planning and forecasting" to which Liberty complains MSBA might gain access.

7. It is unclear why Liberty chose to drag MSBA into a discovery dispute between it and OPC, and then resort to mischaracterizing MSBA's role as an aggregator for school entities as a "competitor" such that Liberty needs a protective order to limit access to documents from the

APUC Strategic Review Committee. MSBA is not in fact a competitor of Liberty, and the information sought by OPC in DR 3006 does not appear to request the type of information that might provide any advantage to a competitor for customers under Liberty's Natural Gas Transportation Service Tariff.

8. MSBA's policy is not to be adversarial but to work together with all utilities to provide natural gas supply to schools including, in some cases, dialogue which includes sharing of best practices to assure greater accuracy in aligning supply and demand. Doing such is to the benefit of the schools, the MSBA school transportation program, and the utility.

9. MSBA takes no position on the discovery dispute between OPC and Liberty, although as a general matter MSBA supports disclosure of information reasonably calculated to lead to the discovery of relevant, admissible evidence in order to have a complete record for the Commission to consider.

WHEREFORE, the Missouri School Boards' Association requests that the Commission accept MSBA's Response to Order Directing Filing in the above referenced matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 13th day of August, 2024.

/s/ Terry M. Jarrett

Terry M. Jarrett