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General Counsel

May 3, 2004

Jim Swearngen  
Brydon Swearngen & England  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456

Re: Staff Objections to MGE DRs, GR-2004-0209

Dear Jim:

This letter is in regard to the multitude of Data Requests (DRs) that Staff received on April 22 and 23, 2004, and itemizes Staff's objections to various DRs propounded by MGE. Staff notes that it received no DR numbered 1, and 145-147.

Staff objects to any and all DRs requesting job descriptions. These DRs are Nos. 2, 10, 19 (Part A), 30 (Part A), 31 (Part A), 37, 40, 51, 70, 71, 72, 73, 81, 118, 131. Each of these DRs seeks the job description of a particular Staff Member. Staff objects to these DRs as irrelevant on the basis that it is not intended or likely to lead to the discovery of admissible evidence.

DR No.16 is directed to Deborah Bernsen. It seeks specific information that Staff might have in its possession regarding various measures of customer service levels for other natural gas local distribution companies operating in the State of Missouri since January 1, 2001. Staff objects to this DR because Section 386.480 RSMo prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will not object to release of any such information that Staff possesses once MGE seeks and obtains such a Commission Order. Furthermore, MGE is free to contact other LDCs for this information.

DR No.17 is directed to Deborah Bernsen. It seeks specific information that Staff might have in its possession regarding appointments kept and average response time to Commission-forwarded complaints of electric utilities and water utilities operating in the state of Missouri beginning January 1, 2001. Staff objects to this DR because Section 386.480 prohibits release of

such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses once MGE seeks and obtains such a Commission Order. Furthermore, MGE is free to contact other LDCs for this information.

DR No.19, Part B, is directed to Staff Witness Dana Eaves. Part B of this DR requests a list of the courses that Witness Eaves took in order to obtain a Bachelor of Science Degree in Business Administration from Columbia College. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it requires the redacting of a college transcript to remove all confidential information.

DR No.19, Part C, seeks a list of the responsibilities, duties and experience of Mr. Eaves in three prior jobs. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it may require contact with past employers for the preparation of such a list.

DR No. 20 is also directed to Staff Witness Dana Eaves. This DR seeks information used by Staff to calculate a billing lag. Staff objects to this DR to the extent that it requires nonpublic information. Staff objects to this DR because Section 386.480 prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses once MGE seeks and obtains such a Commission Order. Furthermore, MGE is free to contact other LDCs for this information.

DR No. 23 is directed to Staff Witness Dana Eaves. It seeks information regarding other LDCs. Staff objects to this DR to the extent that it requires nonpublic information. Staff objects to this DR because Section 386.480 prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses once MGE seeks and obtains such a Commission Order. Furthermore, MGE is free to contact other LDCs for this information.

DR No. 30, Part B, is directed to Staff Witness Lesley Preston. Part B of this DR requests a list of the courses that Witness Preston took in order to obtain Bachelor of Science Degrees in both Accounting and Business Administration from Truman State University. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it requires the redacting of a college transcript to remove all confidential information.

DR No. 30, Part C, seeks a list of courses that Witness "Eaves" took to obtain a Master of Science Degree in Accounting, from the University of Missouri-Kansas City. Staff presumes that this actually seeks information regarding Staff Witness Preston. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it requires the redacting of a college transcript to remove all confidential information.

DR No. 31, Part B, seeks a list of courses that Witness Lonergan took to obtain a Bachelors Degree in Accounting from Lincoln University. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it requires the redacting of a college transcript to remove all confidential information.

DR No. 31, Part C, seeks a list of the responsibilities, duties and experience of Ms. Longeran in a prior job. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it may require contact with past employers for the preparation of such a list.

DR No. 38 is directed to Staff Witness Mark Oligschlaeger. It seeks information regarding other LDCs. Staff objects to this DR to the extent that it requires nonpublic information. Staff objects to this DR because Section 386.480 prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses once MGE seeks and obtains such a Commission Order. Furthermore, MGE is free to contact other LDCs for this information.

DR No. 42 is directed to Staff Witness Jolie Mathis. It seeks a description of and a copy of an analysis done by former Staff Member Paul Adam regarding average service lives for MGE in Case No. GR-2001-292. Staff first objects to providing such an analysis because MGE should already have access to and possession of any evidence produced in MGE initiated Case NO. GR-2001-292. Staff objects to this DR to the extent that it requests information regarding other LDCs because Section 386.480 prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses once MGE seeks and obtains such a Commission Order.

DR No. 44 is directed to Staff Witness Jolie Mathis. It seeks information in the Staff's possession regarding Commission-authorized depreciation rates of other natural gas LDCs in the state of Missouri and other information. Staff objects to providing public information from rate

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cases or other cases equally available to MGE. Staff objects to this DR to the extent that it seeks information provided by other LDCs because Section 386.480 prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses if MGE seeks and obtains such a Commission Order. MGE can contact other LDCs for this information.

DR No. 45 is directed to Staff Witness Jolie Mathis. It seeks specific information in the possession of Staff regarding Laclede Gas Company's safety line replacement program since 1990. Staff objects to the relevancy of this DR in that it is not likely or intended to lead to admissible evidence. Staff objects to this DR because Section 386.480 prohibits release of such nonpublic information without a Commission Order authorizing such release. Violation of Section 386.480 is a misdemeanor punishable by up to one year in jail and/or a maximum fine of \$1000 pursuant to Section 557.021 RSMo. Staff will release any such information that Staff possesses if MGE seeks and obtains such a Commission Order. MGE can contact Laclede Gas Company regarding this information.

DR Nos. 75-83 are directed to Senior Counsel Robert Franson, Attorney for Staff. Staff will address these DRs, but Mr. Franson will not answer them.

Staff objects to DR No. 76. This DR seeks all written policies, procedures or other documents that describe the Staff's responsibility in the rate process. Staff objects to doing any legal research for MGE. This document is nothing more than an attempt to have Staff do legal research for MGE. Furthermore, Staff objects to this DR based on relevance in that it is not likely or intended to lead to the discovery of admissible evidence.

Staff objects to DR No. 77. This DR seeks all written policies, procedures or other documents that describe the Commission's role in the rate setting process. Staff objects to doing any legal research for MGE. This document is nothing more than an attempt to have Staff do legal research for MGE. Furthermore, Staff objects to this DR based on relevance in that it is not likely or intended to lead to the discovery of admissible evidence.

Staff objects to DR No. 79. This DR seeks information regarding whether the Staff, or any Member thereof, had any conversations with the Commission, any Commissioners or any individual Commissioner regarding rate of return, return on equity and/or capital structure since January 1, 2001. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. Furthermore this DR is unduly burdensome and Staff objects on this basis also. In order to answer this DR, Staff would be required to poll current and former Commissioners and to poll current and former employees. Any contact with current Commissioners would clearly be inappropriate as ex parte contact.

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Staff objects to DR No. 80. This DR seeks information regarding whether the Staff, or any Member thereof, had any conversations with the Commission, any Commissioners or any individual Commissioner regarding depreciation, depreciation studies and/or the treatment of net salvage, cost of removal since January 1, 2001. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. Furthermore this DR is unduly burdensome and Staff objects on this basis also. In order to answer this DR, Staff would be required to poll current and former Commissioners and to poll current and former employees. Any contact with current Commissioners would clearly be inappropriate as ex parte contact.

DR No. 137 seeks a list of the responsibilities, duties and experience of Mr. Harrison in a prior job. Staff objects to this DR as irrelevant in that it is not likely or intended to lead to the discovery of admissible evidence. This DR is also burdensome in that it may require contact with past employers for the preparation of such a list.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

**/s/ Robert V. Franson**

Robert V. Franson  
Senior Counsel