

Commissioners

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Chair

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ROBERT M. CLAYTON III

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Executive Director

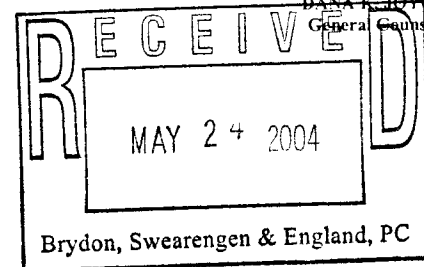
WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

May 21, 2004



Paul Boudreau
Brydon, Swearingen & England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456

Re: Case No. GR-2004-0209
Staff Objections to MGE DRs 173 and 174

Dear Paul:

This letter is in regard to Data Requests (DRs) 173 and 174 received by Staff on May 12, 2004.

Staff objects to DR No. 173. This DR seeks information regarding whether any current member of the Staff had any conversations with any current Commissioner regarding rate of return, return on equity and/or capital structure since August 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 Commissioners and to poll current employees. Any contact with current Commissioners would clearly be inappropriate as ex parte contact.

Staff objects to DR No. 174. This DR seeks information regarding whether any current member of the Staff, had any conversations with any current Commissioner or any individual Commissioner regarding depreciation, depreciation studies and/or the treatment of net salvage, cost of removal since August 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 Commissioners and to poll current employees. Any contact with current Commissioners would clearly be inappropriate as ex parte contact.

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
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