

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

Staff of the Missouri Public Service Commission,)
)
 Complainant,)
 v.)
)
 Missouri Pipeline Company, LLC, Missouri Gas)
 Company, LLC, Omega Pipeline, LLC, Mogas)
 Energy, LLC, United Pipeline Systems, Inc., and)
 Gateway Pipeline Company, LLC.)
)
 Respondents.)
)
)

Case No. GC-2006-0378

**SUGGESTIONS IN SUPPORT OF STAFF’S MOTION TO
COMPEL DISCOVERY AND FOR EXPEDITED TREATMENT**

COMES NOW Staff of the Public Service Commission of Missouri, and in support of its Motion to Compel Discovery and to Expedite, states:

I. Suggestions Supporting Motion to Compel Discovery

1. Staff has been conducting an investigation and audit of Missouri Pipeline Company, LLC and Missouri Gas Company, LLC , at the direction of the Commission, since November 2005.

2. In its discovery, Staff has attempted to accommodate the schedules of Respondents, and has postponed depositions on a number of occasions. However, Staff has still not obtained the information it needs to complete its audit and prepare its testimony in this case.

3. While Respondents in this case have provided many documents, many of the documents produced have been summary, incomplete, or in some cases redacted. Respondents

have not provided invoices, contracts, and other basic business records to support the materials provided.

4. The Commission docket is currently very full, and Staff assigned to this case that are also assigned to other cases. Delays in securing basic business documents may prevent Staff from timely processing this case for the Commission.

5. Although Staff asks for many documents in its motion, they are all documents are kept, or should be kept, by Respondents to keep their books in compliance with the Uniform System of Accounts, 4 CSR 240-40.040 and the Commission's Affiliate Transaction Rule, 4 CSR 240-40.015. Further, the Commission's protective order, paragraph K, issued in this case on April 4, 2006, defines "voluminous material" as a single document, book or paper which consists of more than 150 pages. Staff believes that no document it seeks is a voluminous document.

6. Mr. Lodholz and Mr. Ries are officers, employees, or otherwise perform work for most, if not all, of Respondents. Staff believes that these two individuals have knowledge of the aspects of Respondents' business that Staff needs to complete its audit and testimony.

7. Although Respondents filed a Motion to quash subpoenas issued by the Commission in this case, they did not seek expedited treatment of those motions. Rather, Respondents availed themselves of the self-help remedy of refusing to comply with subpoenas and notices that were regular on their face, and refused to attend the depositions noticed for May 3, 4, and 10, 2006.

8. Finally, Staff notes that Respondents, other than Omega, are in default of the Commission's order to file their responses not later than May 4, 2006. There is no reason to believe, or hope, that absent a Commission directive that Respondents will timely comply with discovery.

WHEREFORE, Staff asks the Commission to order discovery as requested in its Motion to Compel Discovery.

II. Suggestions Supporting Motion to Expedite

9. Staff has attempted in good faith to secure the information it needs to prosecute this case, and that the Commission needs to decide it. The issue is ripe for decision by the Commission, and to the extent necessary, the Commission should find good cause to waive the requirements of 4 CSR 240-2.090(8).

10. The Staff assigned to this case have pressing matters in other Commission cases with impending testimony deadlines.

11. Discovery in this matter has dragged on for months, and Respondents have not provided discovery in a timely manner.

12. Resolution of pending discovery issues at the earliest time possible will benefit both the Commission and the parties.

WHEREFORE, the Staff asks the Commission to decide all pending discovery motions not later than May 18, 2006.

Respectfully submitted,

/s/ Thomas R. Schwarz, Jr.

Thomas R. Schwarz, Jr.
Deputy General Counsel
Missouri Bar No. 29645

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-5239 (Telephone)
(573) 751-9285 (Fax)
tim.schwarz@psc.mo.gov

Certificate of Service

I hereby certify that a copy of the foregoing has been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 10th day of May, 2006.

/s/ Thomas R. Schwarz, Jr.