

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day of
September, 2006.

The Staff of the Missouri Public
Service Commission,

Complainant,

v.

Missouri Pipeline Company, LLC, and
Missouri Gas Company, LLC,

Respondents.

)
)
)
)
)
)
)
)
)
)
)
)

Case No. GC-2006-0491

ORDER DENYING MOTION TO DELAY FILING REBUTTAL TESTIMONY

Issue Date: September 28, 2006

Effective Date: September 28, 2006

On September 26, 2006, Missouri Pipeline Company, LLC, and Missouri Gas Company, LLC, filed a motion asking the Commission to modify the procedural schedule to delay the filing of rebuttal testimony. The existing schedule requires the movants to file their rebuttal testimony on October 6. Missouri Pipeline and Missouri Gas asked that the Commission rule on their motion by September 29. Because of the need to expedite its consideration of the motion, the Commission directed its Staff to respond to the motion by September 27. Staff filed its response on September 27. An intervenor, the Municipal Gas Commission of Missouri, also filed a response on that date.

Missouri Pipeline and Missouri Gas contend that a delay in the procedural schedule is necessary because an officer in the companies, David Ries, has been unable to assist in

the preparation of the companies' testimony because of a family medical emergency. Furthermore, Missouri Pipeline and Missouri Gas complain that they have not yet been able to fully review the voluminous information obtained from Staff in response to data requests. As a result, Missouri Pipeline and Missouri Gas ask that the deadline for the filing of rebuttal testimony be extended until November 7. They do not address the need for any further changes to the procedural schedule that might be necessitated by the delay in filing rebuttal testimony.

In their responses, Staff and the Municipal Gas Commission argue that Missouri Pipeline and Missouri Gas' request for delay is merely another act in a chain of acts designed to delay Staff's investigation and this proceeding. They contend that the Commission should deny the request for delay and require the parties to comply with the previously established procedural schedule. Staff suggests that if the Commission decides, against Staff's recommendation, to grant the delay, it require Missouri Pipeline and Missouri Gas to file their testimony no later than October 16, and that the Commission require those companies to immediately comply with all existing discovery requests.

The Commission finds that Missouri Pipeline and Missouri Gas have known since the Commission established the procedural schedule on September 5 that they would be required to file rebuttal testimony on October 6. They have not shown a genuine need to extend that filing deadline. The Commission is particularly concerned that extending the filing deadline would necessitate additional changes in the procedural schedule, ultimately leading to a delay in the hearing scheduled in December. In reviewing its upcoming hearing calendar, the Commission notes that hearing dates will be very scarce in the first several months of 2007. As a result, even a short delay is not practical. The Commission

is not willing to see this case delayed, and Missouri Pipeline and Missouri Gas' motion will be denied.

IT IS ORDERED THAT:

1. Respondents' Motion to Delay Filing Rebuttal Testimony is denied.
2. This order shall become effective on September 28, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Gaw, Clayton and Appling, CC., concur
Murray, C., absent

Woodruff, Deputy Chief Regulatory Law Judge