

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Hearing  
8 November 28, 2007  
9 Jefferson City, Missouri  
Volume 4

10 In the Matter of the Application)  
11 of Southern Missouri Gas )  
Company, L.P., d/b/a Southern )  
12 Missouri Natural Gas, for a )  
Certificate of Public )  
13 Convenience and Necessity )  
Authorizing It To Construct, ) Case No. GA-2007-0168  
14 Install, Own, Operate, Control, )  
Manage and Maintain a Natural )  
15 Gas Distribution System to )  
Provide Gas Service in Branson, )  
16 Branson West, Reeds Spring, )  
and Hollister, Missouri. )

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18  
19 BENJAMIN LANE, Presiding  
20 REGULATORY LAW JUDGE  
21

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23 REPORTED BY:

24 PAMELA FICK, RMR, RPR, CCR #447, CSR  
25 MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 JAMES M. FISCHER, Attorney at Law  
3 LARRY W. DORITY, Attorney at Law  
Fischer & DORITY, PC  
4 101 Madison Street, Suite 400  
Jefferson City, Missouri 65101  
5 (573) 636-6758

6 FOR: Southern Missouri Gas Company, LP,  
doing business as Southern Missouri  
7 Natural Gas.

8 DEAN L. COOPER, Attorney at Law  
9 Brydon, Swearingen & England, P.C.  
312 East Capitol Avenue  
10 P.O. Box 456  
Jefferson City, Missouri 65102  
11 (573) 635-7166

12 FOR: Missouri Gas Energy, a division of  
Southern Union Company.

14 WILLIAM D. STEINMEIER, Attorney at Law  
15 MARY ANN (GARR) YOUNG, Attorney at Law  
William D. Steinmeier, P.C.  
16 2031 Tower Drive  
P.O. Box 104595  
17 Jefferson City, Missouri 65110  
(573) 636-2305

18 FOR: Ozark Energy Partners, L.L.C.

20  
21 MARC D. POSTON, Senior Public Counsel  
P.O. Box 2230  
22 200 Madison Street, Suite 650  
Jefferson City, MO 65102-2230  
23 (573) 751-4857

24 FOR: Office of the Public Counsel  
and the Public.

25

1 LERA L. SHEMWELL, Deputy General Counsel  
2 P.O. Box 360  
3 200 Madison Street  
4 Jefferson City, MO 65102  
5 (573) 751-3234

6 FOR: Staff of the Missouri Public  
7 Service Commission.  
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1 P R O C E E D I N G S

2 JUDGE LANE: Good morning, ladies  
3 and gentlemen. We're back on the record in Case  
4 No. GA-2007-0168, and at the conclusion of  
5 yesterday's proceedings we were done with the  
6 presentation of evidence by SMNG and Staff.

7 The Office of Public Counsel indicated  
8 that they were no longer -- they were not going to  
9 call the witness that they had previously scheduled,  
10 and so that left Ozark to present its witnesses, and  
11 I believe we're ready for the testimony of those  
12 witnesses right now. The first witness scheduled is  
13 Mr. Steve Cattron or Cattron.

14 MR. STEINMEIER: Cattron, your Honor.

15 JUDGE LANE: Cattron. And Mr. Cattron,  
16 if you would come on up.

17 Mr. Cattron, would you please spell your  
18 full name for the reporter, please.

19 MR. CATTRON: Steven W. Cattron. That's  
20 S-t-e-v-e-n, W. and then C-a-t-t-r-o-n.

21 JUDGE LANE: Thank you. Please raise  
22 your right hand to be sworn.

23 (THE WITNESS WAS SWORN.)

24 JUDGE LANE: Thank you very much. You  
25 may be seated. Mr. Steinmeier?

1 MR. STEINMEIER: Thank you, your Honor.

2 DIRECT EXAMINATION BY MR. STEINMEIER:

3 Q. Would you please state your name and  
4 business address for the record.

5 A. Yes. Steven W. Cattron. My business  
6 address is 4745 West 136th Street, Leawood, Kansas  
7 66224.

8 Q. And Mr. Cattron, by whom are you  
9 employed and in what capacity?

10 A. At Cattron Enterprises and I'm  
11 president.

12 Q. Would you please describe your  
13 educational background?

14 A. Yes, I received a BBA from the  
15 University of Missouri, Kansas City, an MBA from  
16 Rockhurst University, and also was -- obtained my CPA  
17 license which I have since not maintained the  
18 licensing requirements.

19 Q. And for whom are you testifying in this  
20 proceeding?

21 A. Ozark Energy Partners.

22 Q. What is your relationship to Ozark  
23 Energy Partners?

24 A. I'm a strategic advisor.

25 Q. Would you describe for the Commission,

1 please, your professional experience in the field of  
2 public utilities including natural gas?

3 A. Yes, my -- my experience actually begins  
4 right here at the Missouri Public Service Commission  
5 back in 1979. I was actually a utility auditor with  
6 the Missouri Public Service Commission. I left in  
7 roughly 1982 and joined Kansas City Power & Light,  
8 held numerous positions for Kansas City Power &  
9 Light. My last position with them was vice president  
10 of sales, marketing, communications and regulation.

11 When I left there I became president of  
12 Missouri Gas Energy, president and chief operating  
13 officer. Was there until 2002 at which time in late  
14 '03 I actually created Cattron Enterprises at which  
15 time I have actually got two separate business  
16 practices that I allocate my personal time to. One  
17 is in the area of utility consulting services as well  
18 as I also have a practice that assists small- to  
19 medium-sized corporations in cost management  
20 services.

21 Q. And what is your experience in relation  
22 to strategic business planning and evaluating  
23 economic feasibility?

24 A. Actually, I've had years of experience  
25 in that area, both in my capacity at Kansas City

1 Power & Light, both from new product introductions,  
2 new business introductions, as well as mergers and  
3 acquisitions.

4 In my capacity at MGE, I had the same  
5 capacity not only as president and chief operating  
6 officer for the division of Missouri Gas Energy, we  
7 were actually a division of Southern Union Company.  
8 And during my tenure there and as a member of the  
9 executive committee of Southern Union, I was involved  
10 in a number of strategic acquisitions we made there.

11 And then in my consulting practice, I --  
12 and furthered that in assisting communities like  
13 St. Joseph, Missouri as well as a contracting company  
14 in the community of Amherst, New York.

15 Q. Have you testified previously before the  
16 Commission?

17 A. Yes, I have, numerous times.

18 Q. And what is the purpose of your  
19 testimony today?

20 A. The purpose of my testimony today is to  
21 hopefully raise significant questions on what has  
22 been labeled as Appendix C, I believe it's also  
23 Exhibit C, on whether that accomplishes in my opinion  
24 what would result in a economically feasible study as  
25 well -- as well as whether it meets the minimum

1 standards that has been established by this  
2 Commission.

3 MR. FISCHER: Your Honor, at this point  
4 I would request permission to voir dire the witness  
5 regarding his -- his background and -- and foundation  
6 for his substantive testimony related to this topic.

7 JUDGE LANE: Please inquire.

8 MR. FISCHER: Thank you.

9 VOIR DIRE EXAMINATION BY MR. FISCHER:

10 Q. Good morning, Mr. Cattron.

11 A. Good morning.

12 Q. As you know, I'm Jim Fischer  
13 representing the Southern Missouri Gas Company. As I  
14 understand your role in this proceeding as you've  
15 just described it, you've been retained as a  
16 strategic advisor to Ozark Energy Partners; is that  
17 right?

18 A. Yes, with a specific focus on creating a  
19 feasibility study and -- on their behalf as well as  
20 assessing the feasibility study of Southern Missouri  
21 Natural Gas.

22 Q. Okay. And when did you first begin  
23 consulting with Ozark Energy?

24 A. Mid-2006, I would say, somewhere in the  
25 summer of 2006.



1           Q.       Do you know when Ozark Energy Partners  
2 was formed?

3           A.       I don't know specifically but I think it  
4 was in 2006.

5           Q.       Would April of 2006 sound about right?

6           A.       That -- that sounds like a reasonable  
7 time frame.

8           Q.       Now, do you have a full-time position  
9 with Ozark Energy Partners?

10          A.       No, I do not.

11          Q.       Do you -- you or your firm have a  
12 contract to perform your strategic advising services  
13 to Ozark Energy Partners?

14          A.       Yes.

15          Q.       Does that contract have an expiration  
16 date?

17          A.       No.

18          Q.       Mr. Cattron, do you happen to have an  
19 equity interest in Ozark?

20          A.       No, I do not.

21          Q.       Have you loaned any money to Ozark to  
22 complete the regulatory process?

23          A.       No, I have not.

24          Q.       Have you agreed to provide your services  
25 in consideration for a role in the company in the

1 future?

2 A. We have had discussions, we do not have  
3 an agreement at this time.

4 Q. I would assume you're being compensated  
5 for your services pursuant to your agreement to  
6 provide strategic advising services to Ozark?

7 A. Yes, I am.

8 Q. Is that -- is your participation in this  
9 proceeding covered by your agreement to give Ozark  
10 general strategic advising services or do you have a  
11 separate contract just to participate today?

12 A. There's a separate contract for the  
13 Southern Missouri Natural Gas case.

14 Q. In the event that the Ozark Company  
15 receives a certificate to provide natural gas service  
16 in -- in Case No. GA-2006-0561, what will your role  
17 with Ozark be at that time?

18 A. We will continue now in an operations  
19 management role capacity as well as advisors.

20 Q. As advisors?

21 A. Yes.

22 Q. So you'll be an outside consultant and  
23 advisor after the proceeding concludes assuming they  
24 get a certificate?

25 A. Yes.

1           Q.       Would you be advising Ozark on such  
2     issues as how to build its system, how to build its  
3     distribution system?

4           A.       I think we would probably be more  
5     involved in assisting in bringing the right people to  
6     the table.

7           Q.       Would you be involved in things like gas  
8     purchasing decisions, who to bring to the table about  
9     gas purchasing decisions?

10          A.       We would -- we would definitely be  
11     assisting them in finding the right people to take on  
12     that responsibility on their behalf.

13          Q.       Would you also be assisting them on  
14     customer-service-type issues?

15          A.       Once again, virtually all aspects of  
16     what we would be doing would be assisting them in  
17     establishing the entity to -- to deliver gas to that  
18     region. So in all aspects, whether it's operations,  
19     whether it's gas procurement, it is going to be much  
20     of our role to assist them in identifying the people  
21     to make that happen.

22          Q.       It sounds like your role's going to be  
23     sort of as an interim management position to assist  
24     them to get going in all their aspects of their  
25     company?

1           A.       We will definitely be functioning in  
2   a -- in an advisory role and capacity for that  
3   service.

4           Q.       How long will you expect to be  
5   participating in that interim management kind of  
6   position?

7           A.       Two to three years.

8           Q.       As an interim management-type role, will  
9   you have substantial input into the critical issues  
10   related to providing natural gas service in that  
11   area?

12          A.       As an advisor we'll offer opinion, but  
13   we will not be making decisions.

14          Q.       Will you be highly involved in  
15   day-to-day operations, do you think?

16          A.       I think we will provide oversight and  
17   advisory services in that area as well.

18          Q.       Will you be advising Mr. Eppes, who I  
19   believe is the general manager, about construction of  
20   the system, decisions regarding purchased gas  
21   supplies, decisions about purchase of pipeline  
22   capacity, decisions regarding regulatory matters,  
23   those kinds of things?

24          A.       As I've said, the intent is to be an  
25   advisor and to bring all the necessary resources to

1 the table for Ozark Energy to be able to make the  
2 day-to-day decisions that need to be made.

3 Q. Will Mr. Eppes be actually making the  
4 final decisions?

5 A. I --

6 MR. STEINMEIER: Your Honor, I'm going  
7 to object to any further questions along this line.  
8 I think Mr. Cattron's qualifications as an expert  
9 witness has been established. Some of these  
10 questions may be interesting in Ozark's application  
11 case, but I think that we have established his  
12 qualifications and should be able to proceed with  
13 rebuttal testimony.

14 MR. FISCHER: Your Honor, I'm gonna tie  
15 this up very quickly, and it will be clearly relevant  
16 here in just a second.

17 JUDGE LANE: All right.

18 BY MR. FISCHER:

19 Q. In this proceeding, Ozark's counsel  
20 suggested an -- oh, I'm sorry.

21 JUDGE LANE: Yes, go ahead and proceed  
22 as long as you can tie it up.

23 BY MR. FISCHER:

24 Q. I guess I asked you, Mr. Cattron,  
25 whether Mr. Eppes will be making the final decisions

1 in these areas?

2 A. It's my understanding Mr. Eppes will be  
3 reporting to a board of directors, and most policy  
4 matters will actually be addressed by the board of  
5 directors.

6 Q. In this proceeding Ozark's counsel  
7 suggested that Ozark and Southern Missouri are in a  
8 race to serve the Ozarks. Do you believe that is the  
9 case?

10 A. I -- I don't know if I would call it a  
11 race. I -- I would simply say that my client has a  
12 vision and a passion to bring natural gas to that  
13 region, and that's been our focus and attention, is  
14 to try to fulfill on that vision that Dan Eppes has.

15 Q. Okay. And Mr. Cattron, it's my  
16 understanding you've reviewed Southern Missouri's  
17 highly confidential feasibility study; is that  
18 correct?

19 A. Yes, I have.

20 Q. On June 29th, 2007, I believe you signed  
21 the Certificate of Compliance in this proceeding in  
22 which you certified that you've reviewed the  
23 Commission's rule prescribing the procedure for  
24 handling confidential information; is that true?

25 A. Yes, I have.

1           Q.       That's CSR -- 4 CSR 240-2.135; is that  
2 your understanding?

3           A.       I don't know the CSR number.

4           Q.       Okay. But you personally read the  
5 provisions of that particular rule?

6           A.       Yes, I did.

7           Q.       What's your understanding of who may  
8 have access to highly confidential information under  
9 that rule?

10          A.       Consultants and advisors.

11                   MR. FISCHER: Your Honor, I'd ask --

12                   THE WITNESS: Employees.

13 BY MR. FISCHER:

14          Q.       I'm sorry. Employees?

15          A.       And employees of the organization. So  
16 like in the case of SMNG, highly confidential, their  
17 employees could have access to that.

18                   MR. FISCHER: Your Honor, I'd ask the  
19 Commission to take official notice of its own rule of  
20 4 CSR 240-2.135 at this time.

21                   JUDGE LANE: Official notice is taken.

22 BY MR. FISCHER:

23          Q.       Mr. Cattron, is it your understanding  
24 that highly confidential information may be disclosed  
25 only to outside experts that have been retained for

1 purposes of this case?

2 A. I -- I don't know the full rule.

3 Q. Okay. But you --

4 A. In my capacity, that's the capacity I am  
5 in.

6 Q. But you have --

7 A. As an outside consultant.

8 Q. You have reviewed that rule?

9 A. Pardon me?

10 Q. You have reviewed the rule?

11 A. Yes.

12 Q. Is it also your understanding that  
13 employees, officers or directors of any of the  
14 parties in a proceeding or any affiliate of any party  
15 may not be outside experts for purposes of this rule?

16 A. I'm not certain. I'd have -- I'd have  
17 to have the rule in front of me to answer detailed  
18 questions about it.

19 MR. FISCHER: Okay. Let me -- approach  
20 the witness?

21 JUDGE LANE: Of course.

22 BY MR. FISCHER:

23 Q. Mr. Cattron, I'd refer you to  
24 paragraph -- subparagraph 4.

25 JUDGE LANE: Could I take a look at that



1 just to make sure that's our rule?

2 MR. FISCHER: Yes, sir, yes, sir.

3 THE WITNESS: Do you want me just to

4 read A?

5 BY MR. FISCHER:

6 Q. Yeah, that -- I've highlighted the  
7 portion I just quoted to you and I just wanted you to  
8 confirm that that was correct.

9 A. (Witness complied.) Okay.

10 Q. Thank you.

11 A. Was there a question?

12 Q. Yes. Let me repeat it.

13 JUDGE LANE: Would you like the reporter  
14 to read back the question?

15 MR. FISCHER: Yeah, that would be great.

16 Or I can repeat it too. I found my place.

17 BY MR. FISCHER:

18 Q. Is it also your understanding that  
19 employees, officers or directors of any of the  
20 parties in the proceeding or any affiliate of any  
21 party may not be outside experts for purposes of this  
22 rule?

23 A. Could I -- could I have the rule back in  
24 front of me again?

25 Q. Sure.

1           A.       The rule states that, "Highly  
2 confidential information may be disclosed only to the  
3 attorneys of record or to outside experts that have  
4 been retained for the purposes of the case." That's  
5 paragraph 4.

6                   And then A is "Employees, officers, or  
7 directors of any of the parties in a proceeding or  
8 any affiliate of a -- of a party may not be outside  
9 experts for the purpose of this rule." And is your  
10 question --

11          Q.       I'm just asking you to confirm that  
12 that's your understanding of what that rule says.

13          A.       That's what this document states.

14          Q.       Okay. I believe you've already  
15 testified that you expect to be in an interim  
16 management position at Ozark Energy if the Commission  
17 grants a certificate in GA-2006-0561; is that  
18 correct?

19          A.       I've testified that we will be hired as  
20 advisors that will assist in that capacity.

21          Q.       And you testified you'll be advising  
22 Mr. Eppes about many of the aspects like the  
23 construction system and bringing people to the table  
24 about gas pipeline supply decisions and that kind of  
25 thing; is that correct?

1           A.       Are you wanting me to repeat --

2           Q.       That's what you've testified to?

3           A.       Generally speaking, yes.

4           Q.       Mr. Cattron, isn't it true that you have  
5 a much broader role with Ozark Energy Partners now  
6 and in the future than merely acting as an outside  
7 expert in this proceeding?

8           A.       No, I do not.

9           Q.       Didn't you say you were very much  
10 involved in the preparation of the economic  
11 feasibility study in the other proceeding that's  
12 pending?

13          A.       No, I've not prepared any feasibility  
14 study in the other proceeding. What I've done is  
15 I've reviewed SMNG's feasibility study. That's all  
16 I've done.

17          Q.       And you'll be involved in the  
18 management -- the interim management decisions after  
19 the certificate's granted?

20          A.       I will -- I will be hired just as I have  
21 been now as a consultant and as an advisor in the  
22 capacity as a consultant, in the -- hiring my firm to  
23 provide that service.

24          Q.       You're going to be providing the primary  
25 technical expertise for running the natural gas

1 company for Ozark; isn't that true?

2 A. Could you repeat that, please?

3 Q. You're going to be providing the primary  
4 technical expertise for running the natural gas  
5 system for Ozark natural gas -- or Ozark Energy  
6 Partners?

7 A. No, I will not.

8 Q. What will your role be in that capacity?

9 A. As I've already --

10 MR. STEINMEIER: Objection, your Honor.

11 Asked and answered.

12 BY MR. FISCHER:

13 Q. Mr. Eppes doesn't have any experience  
14 running a gas company, does he?

15 A. I don't know what his personal  
16 experience is in all aspects. I know he's got  
17 experience in contracting and water utility services  
18 as well. Mr. Eppes will be here tomorrow in our  
19 proceeding.

20 Q. And you've already testified, I believe,  
21 that you'll be in an interim management position?

22 A. I have not testified I will be in an  
23 interim management position. What I've testified is  
24 that my firm, Catttron Enterprises, is going to be  
25 hired to provide consulting and advisory services

1 just as we have been today.

2 MR. FISCHER: Your Honor, I regret I  
3 need to go in-camera for a few minutes.

4 JUDGE LANE: All right. And you want to  
5 go into --

6 MR. FISCHER: I need to go in-camera and  
7 I'm gonna have to ask my own clients to leave the  
8 room for a little bit.

9 JUDGE LANE: All right. Just a moment.

10 (REPORTER'S NOTE: At this point, an  
11 in-camera session was held, which is contained in  
12 Volume 5, pages 330 through 332 of the transcript.)

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1 JUDGE LANE: We are back in open  
2 session.

3 MR. FISCHER: Thank you, your Honor.  
4 With leave of the Commission, at this time I would  
5 make a Motion in Limine that would move that  
6 Mr. Cattron's testimony in this proceeding be limited  
7 to matters that are not related to Southern  
8 Missouri's highly confidential information including  
9 the feasibility study.

10 Mr. Cattron is not merely an outside  
11 expert that has been retained for purposes of this  
12 case which is required by 4 CSR 240-2.135. Instead,  
13 he's being hired in a much broader capacity by Ozark  
14 to be the interim general manager of its operations.

15 As such, it's improper for him to  
16 participate in this proceeding after he's been given  
17 access to Southern Missouri's highly confidential  
18 information and other highly confidential information  
19 including the feasibility study based upon the  
20 premise that he's merely an outside expert retained  
21 for purposes of this case.

22 He's really been retained as an interim  
23 manager of Ozark, and as such, he's now been given an  
24 undue advantage in his efforts to compete with  
25 Southern Missouri Gas in southwest Missouri, and to

1 feed the company's application in this case.

2           The only real remedy that the company --  
3 that Southern Missouri has as a result of this review  
4 of the -- the improper review, in our opinion, of the  
5 company's highly confidential information, is to  
6 respectfully request that the Commission exclude his  
7 testimony and limit his testimony to matters that are  
8 not related to highly confidential information  
9 provided by Southern Missouri Natural Gas to him.

10           MR. STEINMEIER: Your Honor, obviously  
11 Ozark Energy Partners strongly opposes that Motion in  
12 Limine. Mr. Cattron has complied with 2.135. He is  
13 not an employee, officer or director of Ozark Energy  
14 Partners. There is no employment contract relating  
15 to such a role in place in the future, and he's  
16 testified here that Cattron Enterprises will be  
17 involved in helping Ozark Energy Partners develop its  
18 management team after certification by the  
19 Commission, but that does not make Mr. Cattron an  
20 employee, officer or director of OEP.

21           He has signed the proper documentation  
22 and is playing the appropriate role for the review of  
23 highly confidential information. Obviously, it's  
24 very much in Southern Missouri Gas -- Gas Company's  
25 best interest not to have somebody of Mr. Cattron's

1 qualifications and credentials critiquing its  
2 feasibility study in this case, and that's  
3 transparently the purpose for this Motion in Limine.  
4 But we -- we would strenuously urge against the  
5 granting of that motion.

6 MR. FISCHER: Your Honor, just in  
7 response, Mr. Cattron is effectively be -- going to  
8 be acting as the interim general manager of this  
9 company. My general manager on -- has not been  
10 permitted access to the highly confidential  
11 information and will not be able to critique their  
12 economic feasibility study.

13 It's not appropriate for someone to be  
14 operating as a management person for a competitor and  
15 under the Commission's rules to be given access to  
16 highly confidential information and then allowed to  
17 critique the other company's perspective.

18 MR. STEINMEIER: And Mr. Cattron is not  
19 playing a management role.

20 JUDGE LANE: Mr. Fischer, my question  
21 for you is, do you believe that you elicited  
22 testimony in your voir dire that Mr. Cattron is a  
23 current employee, officer or director of any of the  
24 parties to this proceeding or an affiliate of any  
25 party to this proceeding?



1                   MR. FISCHER: I would suggest that he is  
2 an affiliate.

3                   JUDGE LANE: Currently?

4                   MR. FISCHER: In the -- he has indicated  
5 that he will be operating as the interim general  
6 manager in the future. That's the expectation.

7                   JUDGE LANE: Yes, I heard that  
8 testimony, but that -- that's an expectation, that's  
9 something that hasn't happened yet, right?

10                  MR. FISCHER: Well, it's indicated that  
11 that's what the -- what the company is expecting to  
12 happen.

13                  JUDGE LANE: And what's your  
14 definition -- are you -- are you -- what's your  
15 definition -- what working definition of "affiliate"  
16 are you using?

17                  MR. FISCHER: Probably the one that's in  
18 the affiliated transaction rule, your Honor.

19                  JUDGE LANE: All right. I'm gonna deny  
20 that motion.

21                  MR. FISCHER: Thank you.

22                  JUDGE LANE: Thank you.

23                  MR. FISCHER: That ends my voir dire,  
24 your Honor.

25                  JUDGE LANE: You may proceed,

1 Mr. Steinmeier.

2 MR. STEINMEIER: Thank you very much,  
3 your Honor.

4 DIRECT EXAMINATION (RESUMED) BY MR. STEINMEIER:

5 Q. Mr. Cattron, referring to what I think  
6 you may have referred to their Appendix C as -- as  
7 Exhibit 3, I think it was actually marked as  
8 Exhibit 2 yesterday which would have been their first  
9 amended application with HC and NP, and attached to  
10 that would have been Appendix C which is the  
11 feasibility study?

12 A. Yeah, it's probably easier for me to  
13 refer to it as Appendix C.

14 Q. Let's do that.

15 A. Okay.

16 Q. Is Appendix C a Branson-specific  
17 feasibility study for SMNG?

18 A. No, it is not.

19 Q. Does the SMNG feasibility study contain  
20 an estimate of the number of customers, revenues and  
21 expenses in its proposed Branson service area during  
22 the first three years?

23 A. Those cannot be identified in  
24 Appendix C.

25 Q. Yesterday we heard testimony from SMNG

1     that the \$6.5 million capital requirement for Branson  
2     distribution would cover the cost of providing  
3     service to the 4,250 customers -- excuse me while I  
4     separate my Motion in Limine notes from my testimony.  
5     That could be really confusing.

6                     The testimony was that that \$6.5 million  
7     capital figure of Appendix C would cover the cost of  
8     providing service to the 4,520 customers projected in  
9     the service area by the end of year 5. As reflected  
10    in SMNG Appendix C at page 1 or the first page after  
11    the cover page, that is \$1,500 distribution cost per  
12    customer; is that right?

13            A.     It's a very close approximation. If you  
14    take 4,520 times 1,500, that does approximate  
15    6.5 million.

16            Q.     What is the SMNG system historical  
17    average capital cost per customer?

18                     MR. FISCHER: Your Honor, just to  
19    interrupt a minute, I think we are talking about  
20    highly confidential information here.

21                     JUDGE LANE: I think we're talking about  
22    some items that are in the summary page, and I think  
23    that is highly confidential, so --

24                     MR. FISCHER: I would request we go  
25    in-camera, then.

1                   MR. STEINMEIER: I apologize, your  
2 Honor. I should have requested.

3                   JUDGE LANE: Very well.

4                   MR. STEINMEIER: Although there's nobody  
5 on our side who's here.

6                   MR. DORITY: They're listening.

7                   MR. STEINMEIER: Oh, "they." I forget  
8 about "them." Oops.

9                   (REPORTER'S NOTE: At this point, an  
10 in-camera session was held, which is contained in  
11 Volume 5, pages 340 through 396 of the transcript.)

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1 JUDGE LANE: We're in open session again  
2 in Case No. GA-2007-0168, and the case in chief has  
3 been presented of all the parties, and we're now  
4 ready to receive the rebuttal testimony that's going  
5 to be offered by SMNG.

6 Since that testimony is going to relate  
7 to highly confidential exhibits that were admitted in  
8 our last in-camera session, we'll be going in-camera  
9 very shortly.

10 I expect after that witness is complete,  
11 unless there is a surrebuttal witness, I expect we'll  
12 go -- have the closing statements and conclude the --  
13 conclude the hearing. I think we need Mr. Steinmeier  
14 but he's not here, so we'll just wait a moment or two  
15 until he returns.

16 MR. FISCHER: Judge, while you're kind  
17 of between things, are you anticipating we won't  
18 brief this, this case?

19 JUDGE LANE: No, I was actually going to  
20 address that at the conclusion. I'll tell you right  
21 now, I'm going to make a briefing and proposed  
22 Findings of Fact and Conclusions of Law option.  
23 If -- I'm not gonna order the parties to file them,  
24 but if you do want to file them, I will give everyone  
25 the opportunity to do that. We're only gonna have

1 one round of briefs. There will be no reply briefs,  
2 and everyone will be on the same schedule.

3 All right. Mr. Steinmeier has returned  
4 so we're ready to proceed with the rebuttal  
5 testimony, and I'm going to take us in-camera now.

6 (REPORTER'S NOTE: At this point, an  
7 in-camera session was held, which is contained in  
8 Volume 5, pages 399 through 442 of the transcript.)

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