

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

In the Matter of Missouri Gas Energy, a Division of)
Southern Union Company, Concerning a Natural)
Gas Incident at 910 West 48th Street in Kansas City,)
Missouri.)

File No. GS-2013-0400

**HEARTLAND MIDWEST, LLC'S MOTION TO AUTHORIZE DEPOSITIONS OF
MISSOURI PUBLIC SERVICE COMMISSION STAFF MEMBERS AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Heartland Midwest, LLC ("Heartland"), by and through undersigned counsel, and hereby submits its Motion to Authorize Depositions of Missouri Public Service Commission Staff Members and its Motion for Expedited Treatment. In support of its Motions, Heartland states as follows:

1. On February 19, 2013, an explosion and fire occurred at 910 W. 48th Street in Kansas City, Missouri, the location of JJ's Restaurant.
2. As a result of the explosion and fire, the Missouri Public Service Commission ("Commission") commenced an investigation, Case No. GS-2013-0400.
3. The Commission issued a report summarizing its investigatory findings dated February 6, 2014, and titled *Staff's Gas Incident Report*, Missouri Gas Energy, Case No. GS-2013-0400.
4. Also a result of the explosion and fire, several individuals and businesses (hereinafter referred to as "the Parties") have engaged in litigation, including Heartland and Southern Union Company, d/b/a Missouri Gas Energy ("MGE").
5. In furtherance of such litigation, the Parties have engaged in lengthy discovery, including depositions.
6. Heartland seeks to take the depositions of three Commission staff members who

investigated the February 19, 2013 explosion and authored the Commission's February 6 *Staff's Gas Incident Report*. Specifically, Heartland seeks to depose:

- a. Richard A. Fennel;
- b. Robert R. Leonberger; and
- c. Mark Struckhoff.

7. However, pursuant to R.S.Mo § 386.480, "No information furnished to the commission by a corporation, person or public utility, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, or chapter 610, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding."
8. Therefore, Heartland submits this Motion requesting an Order from the Commission authorizing its staff members to disclose information otherwise prohibited by R.S.Mo § 386.480 during each staff member's deposition.
9. Heartland states that the proposed depositions shall be limited in scope to the following issues:
 - a. Discussion of the procedure, process, and tools used and the information reviewed and analyzed by the staff members in conducting their investigation in Case No. GS-2013-0400;
 - b. Discussion of the staff member's investigatory findings and conclusions in Case No. GS-2013-0400; and
 - c. Discussion of the February 6, 2014 *Staff's Gas Incident Report* in Case No. GS-2013-0400.

10. Because civil litigation is pending, Heartland moves the Commission to give Heartland's Motion to Authorize Depositions **expedited treatment** by issuing the requested relief by **November 13, 2014**.
11. The pending civil litigation involves many parties. Scheduling depositions in the pending litigation requires considerable planning and scheduling due to the large number of parties.
12. Therefore, the expeditious treatment of Heartland's Motion to Authorize Depositions of Missouri Public Service Commission Staff Members would promote the interests of all parties to the pending litigation and assist the prosecution of all parties' claims in a timely manner.
13. No party will be prejudiced or harmed by the Commission's expeditious treatment of Heartland's Motion because expedited treatment will grant the parties the maximum amount of time to prepare for the proposed depositions.
14. Heartland states that these Motions have been filed as quickly as possible after learning that the proposed deponents would be statutorily limited in the amount of information each would be legally be able to furnish in the proposed depositions.

WHEREFORE, Heartland requests that the Missouri Public Service Commission (1) give expedited treatment to Heartland's Motion to Authorize Depositions by issuing the requested order no later than **November 13, 2014**, and (2) issue an order authorizing staff members Richard A. Fennel, Robert R. Leonberger, and Mark Struckhoff to be deposed and furnish such information as otherwise prohibited by R.S.Mo § 386.480, within the scope of examination as provided in this Motion.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2014, the foregoing was filed electronically with the Missouri Public Service Commission Electronic Filing and Information System (EFIS). Additionally, true and correct copies have been sent via US Mail to the following:

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