

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

In the Matter of Laclede Gas Company's     )  
Request to Increase Its Revenues for Gas     )           Case No. GR-2017-0215  
Service   )

In the Matter of Laclede Gas Company        )  
d/b/a Missouri Gas Energy's Request to     )           Case No. GR-2017-0216  
Increase Its Revenues for Gas Service       )

**DISCOVERY ISSUES TO BE ADDRESSED  
DURING AUGUST 9 DISCOVERY CONFERENCE**

**COMES NOW** the Office of the Public Counsel (“OPC”) and advises the Commission of the following discovery issues to be addressed during the August 9, 2017 discovery conference:

1. Consistent with the concerns raised by the Staff in its Motion to Compel Discovery, OPC has also experienced similar issues with Laclede consistently providing late responses to data requests. Even when Laclede provides the date by which it will answer, as required by Commission rule, Laclede often exceeds those dates as well. Consultants retained by OPC have also been frustrated by their attempts to analyze Laclede’s case, and have indicated that the delays in receiving responses are unprecedented in comparison to discovery practices in other states.

2. In addition, many of Laclede’s responses to data requests are non-responsive to the request because they simply reference other documents without providing any specific reference to that document where specificity is necessary to answer the question. As a result, OPC is unaware of Laclede’s answer, and must speculate as to where the answer appears in the referenced document.

3. As an example, OPC references OPC Data Request 7007:

**Question:**

*What is the total fully distributed cost (FDC, as defined per 4 CSR 240-40.015, 1 (F)) incurred and included in the company's revenue requirement in the test year for Laclede Gas?*

**Response:**

*The total fully distributed cost included in LAC's revenue requirement in this case can be found in the direct testimony and accounting schedules of Company witness Michael R. Noack. Signed by: Glenn Buck*

4. A review of Mr. Noack's testimony does not provide an answer to OPC's question, which seeks a dollar figure. Nowhere in Mr. Noack's testimony could OPC find a reference to "fully distributed cost" or "FDC." OPC does not take issue with Laclede's practice of referencing other documents already available so long as Laclede identifies where the answer can be found by page number and line number. Even in those instances, the best practice would be to provide the answer in addition to the document reference so that the answer is certain.

5. OPC also takes issue with Laclede not consistently providing answers signed by a witness able to attest to the "truthfulness and correctness" of the answer. *See* 4 CSR 240-2.090(2)(B). Laclede's answers are either unsigned, or signed by Mr. Glenn Buck, even where the response is not an area of Mr. Buck's expertise. The purpose of this rule is to enable an opposing party to question the company employee or consultant with knowledge of the issue. Even issues that are raised due to a particular Laclede witness testimony, the answers are continuously signed by Mr. Buck, which does not

provide OPC with any basis for truly knowing what witness developed the answer or what witness has the knowledge to support the answer.

WHEREFORE, the Office of the Public Counsel respectfully identifies these issues to be raised during the August 9, 2017 discovery conference.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this August 7, 2017.

**/s/ Marc Poston**

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