

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

In the Matter of Laclede Gas Company's Verified       )  
Application to Re-Establish and Extend the       )       Case No. GF-2015-0181  
Financing Authority Previously Approved by the       )  
Commission       )

**MOTION FOR PROTECTIVE ORDER**  
**IN RESOLUTION OF DISCOVERY DISPUTE**

**COMES NOW** Laclede Gas Company ("Laclede" or "Company"), and files this Motion for Protective Order in resolution of its discovery dispute with Staff, and in support thereof states as follows:

1.       Staff and Laclede have a discovery dispute over the propriety of disclosing a few elements of Laclede's projected financial statements. In response to certain Staff data requests ("DRs"), including DR Nos. 2, 17, 18, 20 and 24, Laclede has provided Staff with projected financial statements. Laclede redacted a very limited amount of the information contained in these projected financial statements (relating to projected income) on two principal grounds. First, Laclede considers such information to be privileged as containing work product and, second, Laclede does not believe such information is reasonably calculated to lead to the discovery of admissible evidence and is therefore irrelevant to the matters at issue in this proceeding and not subject to discovery.<sup>1</sup>

2.       Should the Commission nevertheless determine that such information is potentially relevant to the matters at issue in this proceeding, Laclede seeks a protective order specifying that Laclede's production of the work product information is for purposes of this proceeding only and that such information will not be used against Laclede in any other proceeding (unless it is separately obtained through the discovery process undertaken in that

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<sup>1</sup> Laclede is addressing both of these grounds in a separate pleading in response to Staff's Motion to Compel.

separate proceeding). With these protections, Laclede is willing to agree to a limited waiver of its work product privilege.

3. Therefore, Laclede requests that if the Commission orders the Company to provide such projected financial statements on an unredacted basis for Staff's review, that it issue a protective order specifying that such information will be treated as HC, will not be shared with any other person or entity who is not a party to this case, and will not be used in any proceeding other than this case. A form of Protective Order for the Commission's consideration is attached hereto as Exhibit 1.

4. As previously noted, in seeking this protective order, Laclede is not asking the Commission to limit the right of any party to this case to request the projected financial information in any other proceeding, nor should it operate to affect Laclede's right to object to any such request on any appropriate grounds, including but not limited to work product privilege.

5. By issuing such a protective order the Commission will be able to simultaneously reconcile and satisfy two important goals of discovery. First, it will be able to facilitate Staff's access to information that Staff claims it needs to perform its regulatory responsibilities in this case. Second, it will be able to protect Laclede's equally important right to object in any subsequent proceeding to the production of information that it considers to be privileged or not relevant to whatever matters may be at issue in that proceeding. Because the protective order would resolve the inherent tension that exists between these competing goals in a manner that meets both parties' needs, Laclede respectfully submits that the Commission should issue such an order.

WHEREFORE, for the foregoing reasons, Laclede respectfully requests that the Commission issue its Protective Order as requested herein.

Respectfully submitted,

**LACLEDE GAS COMPANY**

By: **/s/ Rick Zucker**

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**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing pleading was served on all parties of record on this 8th day of September, 2015 by hand-delivery, e-mail, fax, or by placing a copy of such document, postage prepaid, in the United States mail.

**/s/ Marcia Spangler**

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**PROTECTIVE ORDER**

On August 26, 2015, Staff filed a motion asking the Commission to compel Laclede to deliver certain projected financial information without redaction. On September 8, Laclede filed a pleading asserting that the information requested was irrelevant and subject to a work product privilege. Laclede also filed a motion for a protective order, in which Laclede agreed to nevertheless provide the unredacted information subject to certain conditions. The Commission finds those conditions to be acceptable, and will order Laclede to provide the unredacted projected financial information subject to those conditions.

**THE COMMISSION ORDERS THAT:**

1. Laclede will within 5 business days of this order, respond to Staff DRs 2, 17, 18, 20 and 24, without redaction of projected financial information.
2. The unredacted projected financial information produced by Laclede will be used in this proceeding only, will be treated as HC, will not be shared with any other person or entity that is not a party to this case, and will not be used in any proceeding other than this case.
3. Nothing in this Order shall limit the right of any party to this case to request this information in any other proceeding, nor limit Laclede's right to object to any such information request.