

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

DEC 15 1997

MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of Missouri Gas Energy's tariff sheets)
designed to increase rates for gas service in the)
Company's Missouri service area.)

Case No. GR-98-140

PUBLIC COUNSEL'S REPLY TO MISSOURI GAS ENERGY'S
PROPOSED PROCEDURAL SCHEDULE AND
REQUEST FOR DISCOVERY MANAGEMENT

COMES NOW, the Office of the Public Counsel ("Public Counsel") and for its Reply to Missouri Gas Energy's ("MGE") Proposed Procedural Schedule and Request For Discovery Management states:

1. On December 2, 1997 MGE filed its proposed procedural schedule and request for discovery management. Public Counsel received its copy via mail on December 3, 1997.

2. On December 1, 1997 the Staff of the Commission and Public Counsel filed their proposed procedural schedule in which all parties concurred but MGE.

3. MGE's requested procedural schedule is unreasonable and should be rejected by this Commission. MGE attempts to show that the schedule proposed by Staff and Public Counsel is unreasonable because MGE only has twenty-nine days to respond to direct testimony. What MGE fails to point out is that all parties get twenty-nine days. This claim is not unique to MGE. Moreover, MGE should not have discovery problems

because the majority of information, if not all of the information, used in the parties direct testimony is information provided by MGE.

4. MGE's proposal unreasonably shortens the time the parties require to audit MGE prior to filing direct testimony. MGE had unlimited time to prepare its direct case. As shown by its table on page 3 of its Response MGE seeks to cut audit time for direct from four months in GR-96-285 to three and one half months in GR-98-140. This cut is not even considering the intervening holiday season. MGE's proposal does not strike a balance but tips the scales against Staff and Public Counsel's ability to fully audit this Company.

5. Public Counsel requests that the Commission reject MGE's "discovery management" proposal that requests a five-week moratorium on discovery. MGE's unprecedented request is unpersuasive and unnecessary. Existing Commission rules provide the explicit opportunity for a responding party to seek deferral if it can be shown deferral is necessary.

6. MGE's request unnecessarily limits the discovery process. Typically, parties need to do follow-up data requests. This proposal would allow those data requests to be answered at a later date and would hamper parties preparation of rebuttal testimony.

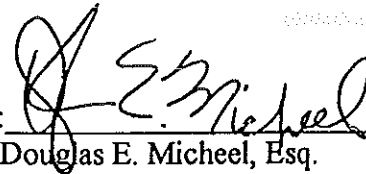
7. Existing Commission rules are adequate and have proven adequate in the past. MGE has not shown any reason, compelling or otherwise, why this Commission should take the extraordinary and novel step of instituting a discovery moratorium for MGE.

WHEREFORE: Public Counsel requests that the Commission adopt the Staff and Public Counsel procedural schedule and reject MGE's discovery management proposal.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:



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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was either mailed or hand delivered to all counsel of record this ??th day of December 1997.

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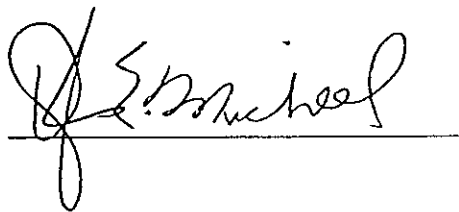
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A handwritten signature in dark ink, appearing to read "J. S. Brownlee, III", is written over a horizontal line.