

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

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| USW Local 11-6, |) | |
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| |) | |
| v. |) | Case No. GC-2006-0390 |
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| Laclede Gas Company, |) | |
| |) | |
| |) | |
| Respondent. |) | |

**DISSENTING OPINION OF COMISSIONERS
ROBERT M. CLAYTON III AND STEVE GAW**

These Commissioners respectfully dissent from the majority Report and Order in this case. By dismissing this claim for insufficient evidence, the majority fails to consider and address important safety concerns. It is the Commission's role to regulate the industry in such a way as to ensure safe and adequate service, especially in an industry where unsafe procedures may lead to serious injury or death. Therefore, any suggestions of unsafe service should be taken seriously and addressed promptly. In this case, USW Local 11-6 puts the Commission on notice that temporary workers with no required training to work on gas meters are being used to install AMR devices on gas meters in Laclede's natural gas distribution system.

Ultimately, the majority found that Local 11-6 failed to present sufficient evidence to prove that installation of AMR modules was not a safe and adequate service. These Commissioners argue that sufficient concerns are raised for the Commission to mandate that properly trained workers be used to install such meters or that a system of inspection be put in place to ensure the highest degree of safety for Missouri's gas customers.

The majority dismisses the evidence presented by Laclede's customers, Local 11-6 workers and workers from Laclede's Construction and Maintenance Department, meter readers, and Service Department as "conjecture and anecdotal observations." Testimony includes reports of leaks found by trained workers subsequent to installation of the AMR devices by temporary workers as well as the general resistance to reports of problems.¹ Cellnet installers stated they were not required to report all leaks. Yet placing this responsibility to differentiate between leaks that are dangerous and those that are not on temporary workers raises serious concerns.² Instances like these point to the need to examine the safety of using untrained workers to install AMR devices. Instead of treating these anecdotes as a lack of evidence, the Commission should recognize them as an indication that a closer look at the adopted installation practice is needed.

While the majority refers to the instances of drilling on meters, they ignore significant safety implications of such practices by temporary workers. The training manuals for AMR installation note that each tool bucket includes a power drill. Improper use of power drills on installation can cause gas leaks. The temporary workers have no training regarding the flow of gas in the meter or gas safety. In addition, they receive piecework pay for the first 50 meters and then higher pay for every 10 meters in excess of 50 on which they installed an AMR. The workers have financial incentive to use power drills. Even the majority acknowledges that a drill caused a leak on a meter after installers were instructed not to use power drills.

The majority mentions that installers were instructed to report problems and did. However, testimony is that in at least one case it was the consumer not the temporary worker who noticed the gas leak that was reported. The general training provided to the temporary workers did not require or encourage installers to report leaks. Neither did the reporting form

¹ See generally, USW Local 11-6's Pre-Hearing Brief.

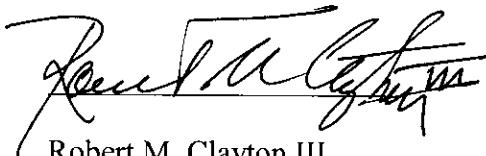
² Testimony of Frank Meuting, Page 114-115.

given to workers. Disincentives such as being reprimanded or fired did not exist for failing to report a potentially dangerous situation.

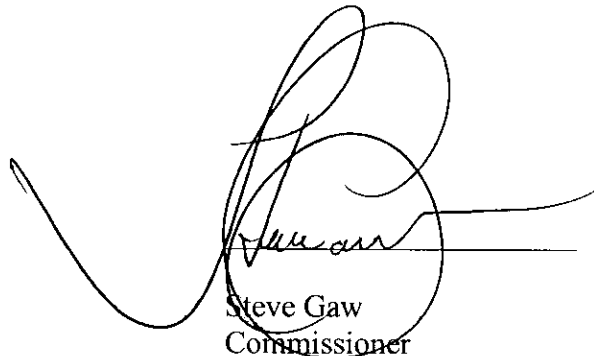
Safety is not a zero sum equation. People should not be put in danger because a company wanted to save money, increase efficiency, or finish a project ahead of schedule. The Commission should develop a plan to oversee installations of AMRs to address the safety concerns presented by industry-trained specialists. This may mean using gas-trained workers to complete the installation or inspecting random samples of installed meters to ensure safety. The Commission should consider whether to more fully discuss issues such as the use of electric drills on gas meters and appropriate training procedures for temporary workers. The most appropriate manner to address each of the concerns would be to involve all stakeholders, gas utilities and other experts in a statewide rulemaking docket.

For the reasons above, these Commissioners respectfully dissent.

Respectfully submitted,



Robert M. Clayton III
Commissioner



Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 17th day of September, 2007.