

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2011-0098</u>
)	
Laclede Gas Company, Laclede Energy Resources, The Laclede Group,)	
)	
Respondents,)	

**STAFF’S RENEWED MOTION TO DISMISS LACLEDE’S
COUNTERCLAIM**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through Staff Counsel’s Office, and for its Renewed Motion to Dismiss Laclede’s Counterclaim respectfully states as follows:

1. At the end of Staff’s January 18, 2011 Response to Counterclaim, Staff requested the Commission dismiss Laclede’s Counterclaim. Staff now renews its Motion to Dismiss for failure to state a claim upon which relief may be granted.
2. In further support of Staff’s motion, Staff notes that Laclede is asserting the very same claims it asserted in GC-2011-0006, with the addition that Laclede is accusing Staff and Staff counsel of unethical behavior.
3. Laclede asserts “Staff has made recommendations, asserted disallowances and sought discovery, all in direct conflict with the Commission’s lawfully approved Affiliate transactions rules. . . .”
4. In its ongoing attempts to shift blame for flaunting the Commission’s rules, Laclede brashly accuses Staff of violating 4 CSR 240-2.080(7).

5. Staff has in good faith presented a Complaint that Laclede is now operating, and has in the past operated, in violation of the Commission's rules. Staff has supported that Complaint with citations to the rules and with testimony, none of which has been filed for an improper purpose.

6. Staff has the authority to file a complaint pursuant to 4 CSR 240-2.070. After numerous attempts to resolve Laclede's violations through agreements in rate cases and meetings, Staff filed its Complaint.

7. The assertions of Staff violations are part of a continuing pattern of Laclede making unfounded attacks on the Staff and the Commission, and asserting wrongdoing where there is none.

8. The Commission should reject these tactics.

9. As it found in GC-2011-0006, the Commission should issue its Order Dismissing Laclede's Counterclaim because the Commission's affiliate transactions rules and Laclede's Cost Allocation Manual impose no obligation on Staff, and therefore, it is not possible for Staff to violate either the rules or the Cost Allocation Manual.

WHEREFORE Staff requests the Commission dismiss Laclede's Counterclaim as unfounded.

Respectfully submitted,

/s/ Lera L. Shemwell

Lera L. Shemwell

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 18th day of April, 2011.

/s/ Lera L. Shemwell