

**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.)	

SUBSTITUTION OF COUNSEL

COMES NOW the Staff of the Missouri Public Service Commission and for its Substitution of Counsel, states as follows:

1. On December 12, 2010, Respondent Laclede Gas Company (“Laclede”) filed a Counterclaim herein alleging among other things that the undersigned as counsel for Staff had violated Commission Rule 4 CSR 240-2.080(7), which provides:

By presenting or maintaining a claim, defense, request, demand, objection, contention, or argument in a pleading, motion, brief, or other document filed with or submitted to the commission, an attorney or party is certifying to the best of the signer’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that—

(A) The claim, defense, request, demand, objection, contention, or argument is not presented or maintained for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(C) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary

support after a reasonable opportunity for further investigation or discovery; and

(D) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

2. On May 26, 2011, the Commission denied Staff's Motion to Dismiss Laclede's Counterclaim.

3. Laclede's allegation referred to in Paragraph 1, above, impugn the propriety of Ms. Shemwell's practice in this case. The Commission's rule is substantially the same as Missouri Supreme Court Rule 55.03(3). If the Commission rules in favor of Laclede on its Counterclaim, such ruling could subject Ms. Shemwell, individually, to sanctions or professional discipline by the Office of Chief Disciplinary Counsel under Supreme Court Rule 55.03(3).

4. Therefore, Ms. Shemwell has been put in a position where she must, before the Commission, independently answer and defend the allegation referred to in Paragraphs 1 and 3, above, insofar as they pertain to the propriety of her actions as Staff Counsel herein, and so far as these allegations could result in distinct and individual prejudice to her, independent of regulatory issues within the jurisdiction of the Commission.

5. Ms. Shemwell may be required to appear as a witness in this case and may require independent representation.

6. Consequently, it is in the best interest of the Staff, the Commission and Ms. Shemwell for her to withdraw Staff's representative herein.

7. Chief Staff Counsel Kevin A. Thompson hereby enters his appearance on behalf of the Staff.

WHEREFORE, on account of all the foregoing, Staff notifies the Commission and all parties of the withdrawal of Ms. Shemwell and Mr. Thompson's entry of appearance as attorney for the Staff of the Missouri Public Service Commission herein.

Respectfully submitted,

/s/ Kevin A. Thompson
Kevin A. Thompson
Missouri Bar Number 36288
Chief Staff Counsel

/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 or transmitted by facsimile or electronic mail to all counsel of record this 8th day of July 2011.

/s/ Kevin A. Thompson