

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

In the Matter of the Application of)	
Laclede Gas Company to Change its)	Case No. GO-2016-0196
Infrastructure System Replacement)	Tariff Filing No. YO-2016-0193
Surcharge in its Laclede Gas Service)	
Territory.)	

In the Matter of the Application of)	
Laclede Gas Company to Change its)	Case No. GO-2016-0197
Infrastructure System Replacement)	Tariff Filing No. YO-2016-0194
Surcharge in its Missouri Gas Energy)	
Service Territory.)	

MOTION FOR AN EVIDENTIARY HEARING

COMES NOW the Office of the Public Counsel (“OPC”) and for its Motion for an Evidentiary Hearing, pursuant to the authority granted by Sections 386.710 and 393.1015 RSMo, states:

1. On February 1, 2016, Laclede Gas Company (“Laclede Gas”) filed applications to increase rates through the Infrastructure System Replacement Surcharges (“ISRS”) for its Laclede Gas and Missouri Gas Energy (“MGE”) service territories (referred to collectively as “Laclede”). *See* Sections 393.1009, 393.1012, and 393.1015 RSMo (“ISRS statutes”), and Mo. Code Regs. Ann. tit. 4, § 240-3.265 (2011).

2. The ISRS is a surcharge mechanism allowing gas companies to petition the Commission to approve an increase to the Company’s rates outside of a general rate case to provide for the recovery of eligible infrastructure replacements mandated by state or federal law. *See* Section 393.1009 RSMo.

3. The ISRS statutes require gas companies seeking to establish or change an ISRS to file a petition with the Commission that includes “proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS” and to serve such filing on OPC as proscribed. *See* Section 393.1015 RSMo.

4. The ISRS statutes require the Commission to either approve or deny the petitions within 120-days and further provides for a review period that requires any Commission Staff recommendation to be filed no later than 60-days after the petition is filed. *Id.* On April 1, 2016, the Staff filed its Recommendations.

5. OPC opposes the proposed ISRS increases because Laclede seeks to include infrastructure replacement costs that were not incurred at the time the petitions were filed and were not properly documented with the petitions. Laclede’s attempt to supplement its petitions with millions of dollars in costs not originally included is unlawful. Accordingly, such costs are not eligible for ISRS surcharge recovery in *this* ISRS petition but may be included in Laclede’s *next* ISRS petitions should they otherwise satisfy the eligibility criteria established by statute. Section 393.1009-393.1015 RSMo.

6. The issues and arguments OPC raises here are the same or similar to certain issues and arguments raised by OPC in Laclede’s last ISRS petitions (Case Nos. GO-2015-0341 and GO-2015-0343). Those cases are now on appeal at the Missouri Court of Appeals, Case No. WD79349.

7. OPC requests an evidentiary hearing for purposes of presenting evidence to the Commission on these issues. Public Counsel also requests the Commission order the parties to file a proposed procedural schedule no later than April 14, 2016.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission direct the parties to file a proposed procedural schedule by April 14, 2016 that includes a date for an evidentiary hearing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all counsel of record this 11th day of April 2016:

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