

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
v.)	Case No. GC-2011-0006
)	
Laclede Gas Company,)	
)	
Respondent.)	

**PUBLIC COUNSEL’S RESPONSE TO
LACLEDE’S MOTION TO TAKE NOTICE**

COMES NOW the Missouri Office of the Public Counsel (OPC) and for its Response to Laclede Gas Company’s (“Laclede”) Motion for Commission to Take Notice of Staff’s Admission of Staff’s Own Violation of the Commission’s Affiliate Transactions Rules states:

1. On October 26, 2010, Laclede filed its Motion for Commission to Take Notice of Staff’s Admission of Staff’s Own Violation of the Commission’s Affiliate Transaction Rules (“Notice”).
2. On October 27, 2010, the Commission issued its Order Establishing Time to Respond that gave any interested party until October 29, 2010 to respond to Laclede’s Notice filing.
3. Laclede’s Notice is a continuation of Laclede’s Counterclaim argument that the Commission’s Staff is violating the Commission’s affiliate transaction rules. OPC previously addressed Laclede’s Counterclaim in its Motion to Dismiss, and renews those arguments in response to Laclede’s Notice.

4. The arguments raised by Laclede in its Counterclaim and Notice are irrelevant to the question of whether Laclede violated the terms of a prior Stipulation and Agreement. The questions presented by Staff's Complaint are: 1) whether the Stipulation and Order authorizing Laclede to restructure also included a provision that prohibited Laclede from claiming that it lacked possession of affiliate documents requested by Staff, and 2) whether Laclede violated that provision. The Staff's discovery efforts in the separate PGA/ACA cases have little if any relation to answering the question of whether Laclede violated the prior Stipulation and Order approving the Stipulation.

5. For these reasons, OPC continues to urge the Commission to dismiss Laclede's Counterclaim and allow this case to remain focused on answering the issues raised by the Staff's Complaint.

WHEREFORE, the Office of the Public Counsel offers this response to Laclede's October 26, 2010 Notice filing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

Deputy Public Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5558

(573) 751-5562 FAX

marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 29th day of October 2010.

General Counsel Office
Missouri Public Service Commission
GenCounsel@psc.mo.gov

Thompson Kevin
Missouri Public Service Commission
Kevin.Thompson@psc.mo.gov

Pendergast C Michael
Laclede Gas Company
mpendergast@lacledegas.com

Zucker E Rick
Laclede Gas Company
rzucker@lacledegas.com

/s/ Marc Poston
