

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

<b>The Staff of the Missouri Public Service Commission,</b>	)	
	)	
	)	
<b>Complainant,</b>	)	
	)	
vs.	)	<u><b>Case No. GC-2011-0098</b></u>
	)	
<b>Laclede Gas Company,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION TO LATE FILE RESPONSE  
TO LACLEDE’S AFFIRMATIVE DEFENSES**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, pursuant to Section 386.390, RSMo 2000,<sup>1</sup> moves the Commission to permit Staff to Late File its Reply to Laclede’s Affirmative Defenses and states as follows:

1. On October 6, 2010, Staff filed a Complaint against Laclede Gas Company (Laclede), The Laclede Group and Laclede Energy Resources.
2. On October 7, Staff filed an amended Complaint and the Commission approved Staff’s request to amend its October 6 Complaint.
3. On November 22, Staff also filed an Amended Complaint, which the Commission, on its own Motion in its December 2 *Order Granting Staff Leave to Amend its Complaint*, granted Staff leave to amend.
4. On December 10, Laclede filed its Answer to Motion to Dismiss Counts I and V of the Complaint, asserted Affirmative Defenses, and made its Counterclaim.

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<sup>1</sup> Unless otherwise noted. all statutory references are to the Revised Statutes of Missouri (“RSMo”)(2000), as currently supplemented.

5. Staff counsel has been delayed by the press of other business and respectfully requests the Commission's permission to late file its response to Laclede's Affirmative Defenses.

6. Staff counsel apologizes for not filing this upon realizing thirty days had elapsed since Laclede's assertion of these affirmative defenses. There is no provision for filing a response to Respondents' Answer, however, Staff herein requests the Commission grant Staff permission to late file as this filing is made more than thirty days after Laclede's Answer to Motion.

7. Staff counsel anticipates the Response will be filed by January 28.

8. No one will be prejudiced by the Commission granting Staff's request.

**WHEREFORE,** Staff requests permission to late file its Response to Respondent's Affirmative Defenses.

Respectfully Submitted,

**/s/ Lera L. Shemwell**

Lera Shemwell

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**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 26<sup>th</sup> day of January, 2011 on all counsel of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Lera L. Shemwell