

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

Charles A. Harter,)	
)	
v.)	Case No. GC-2010-0217
)	
Laclede Gas Company,)	
)	
Respondent.)	

**LACLEDE GAS COMPANY’S RESPONSE TO COMPLAINANT’S REQUEST
TO WAIVE FILING OF BRIEF IN LIEU OF REPLY BRIEF**

COMES NOW Laclede Gas Company (“Laclede” or “Company”) and files this Response to Complainant’s Request to Waive Filing of Brief in Lieu of Reply Brief (the “Request”). In support thereof, Laclede states as follows:

1. On August 4, 2010, the Commission issued an Order Setting Briefing Schedule. Because the Complainant has brought the complaint, and carries the burden of proof, the Commission directed Complainant to file his initial brief by August 25, and directed that response briefs be filed 15 days after Complainant filed his initial brief. Complainant was then allowed 10 days after the filing of response briefs to file his reply brief.

2. Complainant did not file his brief by August 25, but on August 30, filed a pleading stating his belief that the matters were adequately addressed at the hearing, and requesting that the Commission waive his obligation to file an initial brief, while reserving to him the right to file a reply brief.

3. Obviously, if Complainant doesn’t file an initial brief, there is nothing to which Respondents can respond, which leaves nothing to which Complainant can reply. This would leave no briefs, which may be satisfactory to Complainant, but may not be satisfactory to the Commission.

4. Given this turn of events, Laclede suggests two options for the Commission's consideration. First, the parties could all file simultaneous briefs with no response or reply briefs. In effect, the Complainant would file his brief neither first nor last. Alternatively, in lieu of briefs, the parties could file simultaneous proposed findings of fact and conclusions of law, with cites to the record. This would aid the Commission in reaching a decision without the need for formal briefs.

5. Laclede has conferred with Staff on this matter. Staff agrees that the Commission's procedural options include, among others, the two approaches described above, and Staff does not oppose either of these options.

WHEREFORE, Laclede respectfully requests that the Commission deny Complainant's request to waive his obligation to file an initial brief while reserving to him the right to file a reply brief, and instead, select one of the options proffered by Laclede.

Respectfully submitted,

/s/ Rick Zucker

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Answer was served on the Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 3rd day of September, 2010 by United States mail, hand-delivery, email, or facsimile.

/s/ Gerry Lynch