

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

Office of the Public Counsel,
Complainant,

v.

Laclede Gas Company and
Missouri Gas Energy
Respondents.

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File No. GC-2016-0297

**REPLY OF THE CONSUMERS COUNCIL OF MISSOURI TO RESPONDENTS’
RESPONSE TO APPLICATION TO INTERVENE**

COMES NOW the Consumers Council of Missouri (“Consumers Council” or “CCM”), by and through counsel, pursuant to Commission Rule 4 CSR 240-2.075, and replies to the response filed by Laclede Gas Company (“Laclede”) and Missouri Gas Energy (“MGE”) (collectively, the “Respondents”) on May 31, 2016 to the Consumer Council’s Application to Intervene, which was filed on May 22, 2016 (“Application”).

1. Respondents object saying that Consumers Council’s Application was late, claiming that an intervention deadline was set at May 20, 2016. However, there is some dispute as to the official deadline for intervention in this matter, since the Commission’s Calendar listed May 31, 2016 as the intervention deadline. Consumers Council also received no actual notice of this proceeding, and could see a public notice

issued to local municipalities and to the general public, as is typically issued in a general rate case filing.

Moreover, Consumers Council disputes that any Commission “intervention deadline” can be legally or constitutionally valid until the subject regulated utility has publicly filed its position at the Commission (in this case the filing of the Response to the Complaint) regarding the justness and reasonableness of its rates in a rate complaint matter. Putting that cart before the horse would create an unreasonable and unfair deadline, a deadline that is not consistent with the procedural due process rights granted to Consumers Council under the US Constitution and under the Missouri Constitution.

2. Applicants should not be forced to prematurely intervene in a complaint rate case, based on speculation regarding how the utility may respond to such a complaint. Rather intervenors should at least be allowed an opportunity to review the utility’s responsive pleadings prior to making the financial commitment associated with intervention. Many, if not most, state public utility commissions do not even set intervention deadlines, allowing parties to intervene at whatever stage of a utility rate case proceeding, provided that the party “accepts the case at it stands” when intervention occurs. That being said, in this particular case, the Consumers Council did file its request for intervention several days prior even to Respondents filing their Response to the Complaint.

3. Nonetheless, to the extent that the Commission believes that Consumers Council filed a late application, Consumers Council hereby requests leave to file that request late. Consumers Council endeavored to obtain the necessary permission to file

for intervention and to file its Application at the earliest reasonable opportunity after it had learned of this rate complaint case.

4. Respondents also object to Consumers Council's Application because they claim that Consumer Council's representation of consumers would overlap the representation of the Office of the Public Counsel ("Public Counsel") implying that Consumers Council's interest is indistinguishable from the interest of the "general public". If Respondents had carefully read the Application, they would have noted that Consumers Council's "interest in this matter relates to the rates, terms and conditions of service for the Respondents' **residential** natural gas customers" and is "opposed to any unjust and unreasonable revenue requirement or discriminatory rate design for Respondents' **residential** natural gas customers." [emphasis added.]¹

The Public Counsel represents all customer classes (i.e., the "general public"), not just residential utility consumers. In a general rate case proceeding, there is often a divergence of interests between large customer groups and residential consumers. Consumers Council exclusively represents the interests of residential consumers, and it has represented those interests as an intervenor in numerous general rate case proceedings over many years. Over that long history of intervening participation, the Commission has never found that the interest represented by the Consumers Council was the same as the general public interest.

This is an extremely important general rate case, and residential natural gas consumers deserve to be represented by a party exclusively looking after its interests.

¹ Application, p. 2, Paragraph 3 and 4.

5. Moreover, the rule also permits an application for intervention to be granted solely on the grounds that it would promote the public interest to do so.² Consumers Council's Application also supports a finding that its intervention in this rate complaint case proceeding would promote the public interest.

WHEREFORE, Consumers Council respectfully requests that the Commission grant its Application to Intervene, entitling it to fully participate in this proceeding.

Respectfully submitted,

/s/ John B. Coffman

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Dated: June 14, 2016

² 4 CSR 240-2.075(3).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties listed on the official service list on this 14th day of June, 2016.

/s/ John B. Coffman
