

**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.	)	

**REPLY TO LACLEDE’S RESPONSE TO MOTION TO  
DENY WAIVER AND REJECT ISRS TARIFF FILINGS**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Reply to Laclede Gas Company’s Response to OPC’s Motion to Deny Waiver and Reject ISRS Tariff Filings, states:

1. On February 19, 2016, Laclede Gas Company (“Laclede”) responded to Public Counsel’s Motion to Deny Waiver of the *ex parte* rule and Public Counsel’s Motion to Reject Laclede’s ISRS Filings.
2. Laclede’s response acknowledges that it believed Public Counsel would contest Laclede’s ISRS petitions, but that Laclede believed it would be able to avoid “re-litigating” the case through some future agreement between Laclede and Public Counsel. This admission is all the Commission needs to conclude that Laclede knowingly violated 4 CSR 240-4.020(2). So long as it is likely that at least one issue in a new case will be contested, Laclede is obligated to file the 60-day notice.

3. Laclede also accuses Public Counsel of purposely attempting to delay Laclede's ISRS petitions. Laclede's unsupported accusation is nothing more than an attempt to deflect attention away from the real issue – Laclede's violation of a rule promulgated by the Commission "to promote the public trust in the commission," which will be lost if companies such as Laclede are allowed to violate the rule, then seek an after-the-fact approval of such violation by the Commission. Public Counsel's only motivation in its Motion to Deny Waiver and Reject ISRS Tariff Filings is to protect the public by urging the Commission to enforce rules established to protect the public and the integrity of the Commission's adjudicative process. If the Commission grants Public Counsel's motion, the only reason for any delay is Laclede's own failure to follow the Commission's rules.

4. Laclede's response refers to 4 CSR 240-4.020(2) of the Commission's *ex parte* rule as "a notice requirement that serves no purpose." It is clear from Laclede's response that the real issue here is Laclede's belief that the Commission's rule is unnecessary, and for that reason, Laclede is not obligated to comply with it. However, the Commission already determined that the rule is necessary when it promulgated the rule in 2010. And the Commission already determined, "Any case filed which is not in compliance with this section shall not be permitted and the secretary of the commission shall reject any such filing." Public Counsel again urges the Commission to enforce this rule as Laclede has not shown good cause for its decision to not comply with the rule.

WHEREFORE, the Office of the Public Counsel respectfully offers this reply to Laclede's response to Public Counsel's Motion to Deny Waiver and Reject ISRS Tariff Filings.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)  
Chief Deputy Public Counsel  
P. O. Box 2230  
Jefferson City MO 65102  
(573) 751-5558  
(573) 751-5562 FAX  
[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to all counsel of record this 29<sup>th</sup> day of February 2016:

Case No. GO-2016-0196

**Missouri Public Service Commission**  
Jeff Keevil  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
jeff.keevil@psc.mo.gov

**Missouri Public Service Commission**  
Department Staff Counsel  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounservice@psc.mo.gov

**Laclede Gas Company**  
Glenn W Buck  
700 Market St, 5th Floor  
St. Louis, MO 63101  
glenn.buck@thelacledegroup.com

**Laclede Gas Company**  
Rick E Zucker  
700 Market Street, 6th Floor  
St. Louis, MO 63101  
rick.zucker@thelacledegroup.com

Case No. GO-2016-0197

**Missouri Public Service Commission**  
Jeff Keevil  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
jeff.keevil@psc.mo.gov

**Missouri Public Service Commission**  
Department Staff Counsel  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounservice@psc.mo.gov

**Missouri Gas Energy (Laclede)**

Rick E Zucker  
700 Market Street, 6th Floor  
St. Louis, MO 63101  
rick.zucker@thelacledegroup.com

**Missouri Gas Energy (Laclede)**

Glenn W Buck  
700 Market St, 5th Floor  
St. Louis, MO 63101  
glenn.buck@thelacledegroup.com

**Missouri Gas Energy (Laclede)**

Michael R Noack  
7500 E 35th Terr  
Kansas City, MO 64129  
michael.noack@thelacledegroup.com

**/s/ Marc Poston**

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