

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

USW Local 11-6	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Laclede Gas Company,	)	Case No. GC-2006-0390
	)	
	)	
Respondent.	)	

**STAFF'S RESPONSE TO USW LOCAL 11-6'S MOTION TO SUBSTITUTE  
DEPOSITION FOR LIVE TESTIMONY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows:

1. On September 26, 2006, USW Local 11-6 filed its Direct Testimony on the due date.
2. The Affidavit of Claire Donnelly was included in USW Local 11-6's Direct Testimony which consists of the testimony of approximately 25 witnesses.
3. On September 29, 2006, Staff filed an objection to the Affidavit of Claire Donnelly pursuant to Section 536.070(12). Staff's Objection was based on the concern that Ms. Donnelly's affidavit could be admitted into evidence under Section 536.070(12) without Ms. Donnelly appearing at the hearing for cross-examination.
4. Staff has no objection to this request by USW Local 11-6 to schedule a deposition of Ms. Donnelly since this process largely addresses Staff's reasons for objecting to Ms. Donnelly's

Affidavit and this request addresses the needs of a witness. Staff notes that Ms. Donnelly is only available between December 1, 2006 and the date of the hearing which commences on December 11, 2006 (USW Local 11-6 Motion at paragraph 4).

5. Staff also will address some procedural concerns on this matter that arise if the Commission grants USW Local 11-6's Motion. Staff understands this to be a deposition to preserve testimony in place of Ms. Donnelly appearing before the Commission. Staff understands that USW Local 11-6 will arrange the deposition. Staff further suggests that use of the deposition needs to be addressed since the transcript may not be available at hearing due to the late date of the deposition. In other words, does the Commission want the entire deposition transcript offered into evidence or does the Commission desire that the Parties follow some other procedure.

WHEREFORE, Staff respectfully submits Staff's Response to USW Local 11-6's Motion to Substitute Deposition for Live Testimony.

Respectfully submitted,

/s/ Robert V. Franson

Robert V. Franson

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 17<sup>th</sup> day of November, 2006.

/s/ Robert V. Franson