

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

Dr. Hortense Lucinda Harrison,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2008-0041
)	
Laclede Gas Company,)	
)	
Respondent.)	

**PUBLIC COUNSEL’S REPLY TO
LACLEDE’S MOTION TO STRIKE**

COMES NOW the Missouri Office of the Public Counsel and for its reply to Laclede Gas Company’s Motion to Strike the Brief of the Missouri Office of the Public Counsel states:

1. On June 13, 2008, Laclede filed a motion requesting that the Commission strike several portions of Public Counsel’s post-hearing brief. Laclede claims that “Public Counsel should not be heard to argue in its brief issues that were not explicitly included in the List of Issues.”

2. Contrary to Laclede’s assertions, the only new issues raised in Public Counsel’s brief are issues that were first brought to the Commission’s attention during the evidentiary hearing. The facts surrounding Laclede’s violation of Commission rules regarding disconnection and deposits were not known until the evidentiary hearing, making inclusion of these issues in the list of issue not possible. Without the use of prefiled testimony, issues cannot be as easily identified as in a case where three (3) rounds of prefiled testimony are submitted prior to the parties agreeing to an issues list.

It should also be noted that Laclede has cleverly taken an opportunity to respond directly to Public Counsel's brief by raising responsive arguments in its Motion.

3. The remainder of Public Counsel's brief follows the issues list submitted by Laclede, Staff and Dr. Harrison, which asks the pivotal question: "In rendering the Adjusted Bill, did Laclede violate its tariffs, any law, or any Commission rule or order?" Public Counsel's brief responds directly to this issue by identifying two clear examples of where Laclede violated Commission rules and Laclede's tariff in rendering the bill to Dr. Harrison. It would be a more efficient use of resources to address these issues in the present proceeding rather than in a separate complaint.

WHEREFORE, the Office of the Public Counsel respectfully urges the Commission to reject Laclede's Motion to Strike.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 17th day of June 2008:

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