BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

February 8, 2011

Jefferson City, Missouri

Volume 1

The Staff of the Missouri Public Service Commission

Complainant,

vs.

Laclede Gas Company,

Respondent.

File No. GC-2011-0098

MORRIS L. WOODRUFF, Presiding CHIEF REGULATORY LAW JUDGE

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REPORTED BY: NANCY L. SILVA, RPR, CCR TIGER COURT REPORTING, LLC

1 APPEARANCES 2 MR. MICHAEL C. PENDERGAST MR. RICK ZUCKER 3 720 Olive Street, Room 1520 4 St. Louis, Missouri 63101 5 314.342.0532 6 FOR: Laclede Gas Company 7 8 MR. MARC POSTON 9 Office of Public Counsel 10 200 Madison Street 11 P.O. Box 2230 12 Jefferson City, Missouri 65102 13 573.751.5558 14 FOR: Office of Public Counsel and the Public 15 16 MS. LERA SHEMWELL 17 Ms. ANNETTE SLACK Missouri Public Service Commission 18 19 P.O. Box 360 20 Jefferson City, Missouri 65102 21 573.751.6726 22 FOR: Staff of the Missouri Public Service 23 Commission 24 25

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2 prehearing conference in Case No. GC-2011-0098, 3 which is Staff's complaint against Laclede Gas 4 Company. We'll start by taking entries of 5 appearance beginning with Laclede. 6 MR. PENDERGAST: Thank you, your 7 Honor. 8 Michael Pendergast and Rick Zucker 9 on behalf of Laclede Gas Company. Our business 10 address is 720 Olive Street, St. Louis, Missouri 11 63101. 12 JUDGE WOODRUFF: And for Staff. 13 MS. SHEMWELL: Good morning and thank					
 4 Company. We'll start by taking entries of 5 appearance beginning with Laclede. 6 MR. PENDERGAST: Thank you, your 7 Honor. 8 Michael Pendergast and Rick Zucker 9 on behalf of Laclede Gas Company. Our business 10 address is 720 Olive Street, St. Louis, Missouri 11 63101. 12 JUDGE WOODRUFF: And for Staff. 					
5 appearance beginning with Laclede. 6 MR. PENDERGAST: Thank you, your 7 Honor. 8 Michael Pendergast and Rick Zucker 9 on behalf of Laclede Gas Company. Our business 10 address is 720 Olive Street, St. Louis, Missouri 11 63101. 12 JUDGE WOODRUFF: And for Staff.	which is Staff's complaint against Laclede Gas				
 MR. PENDERGAST: Thank you, your Honor. Michael Pendergast and Rick Zucker on behalf of Laclede Gas Company. Our business address is 720 Olive Street, St. Louis, Missouri 63101. JUDGE WOODRUFF: And for Staff. 					
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 11 63101. 12 JUDGE WOODRUFF: And for Staff. 					
12 JUDGE WOODRUFF: And for Staff.					
13 MS. SHEMWELL: Good morning and thank					
14 you, Judge.					
15 Lera Shemwell and Annette Slack for					
16 the Staff of the Missouri Public Service					
17 Commission.					
18 JUDGE WOODRUFF: Okay.					
19 MS. SHEMWELL: And our address is on					
20 file.					
21 JUDGE WOODRUFF: And public counsel.					
22 MR. POSTON: Thank you.					
23 Mark Poston appearing for the Office					
24 of Public Counsel and the public.					
25 JUDGE WOODRUFF: All right. Well, I					

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1	brought you together for this prehearing so we				
2	can discuss how to proceed to get this whole				
3	complaint resolved as quickly as possible. I				
4	think that's something all the parties want to				
5	do is move this to resolution.				
6	We've certainly had numerous				
7	complaints going back and forth, and none of				
8	them have actually reached the ultimate issue,				
9	so we want to be able to get going on that.				
10	There's both a complaint and a counterclaim				
11	pending at this point.				
12	I don't know if there's factual				
13	issues in dispute or if this can be resolved				
14	through a stipulation of facts on legal issues.				
15	That's something the parties can discuss today.				
16	Certainly going to be helpful if we could.				
17	Is there anything else that I need				
18	to rule upon before we go to hearing? I know				
19	there's been discussion about pleading				
20	affirmative defenses and so forth, but I haven't				
21	seen an actual motion to strike anything, and				
22	I'll ask the parties at this point: Is there				
23	anything I need to rule on, or is this something				
24	that can be resolved at the hearing?				
25	MR. ZUCKER: From our perspective, it				

1 can be resolved at the hearing. I mean, it's in the 2 nature of -- it is an affirmative defense, which is 3 basically our way of saying that we don't believe 4 that Staff's complaint is valid for this affirmative 5 reason.

6 It seems to me that that's something that 7 can be addressed by testimony or stipulation of facts 8 that we can argue from if, indeed, we can go ahead 9 and get that agreed upon, so our arguement would be 10 it's not anything that needs to be addressed before 11 it's taken with the case.

JUDGE WOODRUFF: Anything different fromStaff or public counsel?

MS. SHEMWELL: Yeah, I think we'll take a different stance in that they're requesting equitable relief, so I would probably follow up with a motion to that effect.

JUDGE WOODRUFF: Okay. Well, you can
address that as part of your procedural schedule -MS. SHEMWELL: Okay.
JUDGE WOODRUFF: -- just to keep that in
mind then.
MR. ZUCKER: Great. Thank you.
JUDGE WOODRUFF: I certainly don't mind

ruling on motions. That's what we're here for.

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1	Well, then I'll just ask you to give me a				
2	proposed procedural schedule a week from today, and				
3	keep in mind, if you flip to the calendar upstairs				
4	it's pretty busy the next several months.				
5	MS. SHEMWELL: Okay. We'll certainly take				
6	a good look at it, Judge.				
7	JUDGE WOODRUFF: Come up with whatever you				
8	can give me.				
9	MS. SHEMWELL: Thank you very much.				
10	JUDGE WOODRUFF: All right.				
11	MS. SLACK: Do you have any idea as to how				
12	far out you want us to go with the hearings going on,				
13	3 or do you want us to				
14	JUDGE WOODRUFF: I know I'm I have				
15	Ameren case, and that's going to hearing in late				
16	April and May, so you'll need to either be before				
17	that or after June				
18	MS. SHEMWELL: Okay.				
19	JUDGE WOODRUFF: because I won't have				
20	time to deal with it, unless they can all settle				
21	Ameren but				
22	MS. SHEMWELL: I don't know.				
23	JUDGE WOODRUFF: Okay. Well, anything				
24	else you need to bring up while we're on the record?				
25	MS. SHEMWELL: I don't think so.				

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1	JUDGE WOODRUFF: I'll leave you to
2	discussions then.
3	MS. SHEMWELL: Thank you, Judge.
4	(The hearing concluded.)
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2 I, Nancy L. Silva, RPR, a Certified 3 Court Reporter, CCR No. 890, the officer before whom the foregoing hearing was taken, do hereby 4 5 certify that the witness whose testimony appears 6 in the foregoing hearing was duly sworn; that 7 the testimony of said witness was taken by me to the best of my ability and thereafter reduced to 8 9 typewriting under my direction; that I am neither counsel for, related to, nor employed by 10 11 any of the parties to the action in which this 12 hearing was taken, and further, that I am not a 13 relative or employee of any attorney or counsel employed by the parties thereto, nor financially 14 or otherwise interested in the outcome of the 15 action. 16 17 18 19 Nancy L. Silva, RPR, CCR 20 21 22 23 24 25

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