STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TIMOTHY M. WOODBURY
VS.
LACLEDE GAS COMPANY

Case No. GC-2007-0198

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

VOLUME 1

APRIL 2, 2007

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PUBLIC SERVICE COMMISSION

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Prehearing Conference

April 2, 2007

Jefferson City, Missouri

Volume 1

Timothy M. Woodbury,	)	
	)	
Complainant,	)	Case No. GC-2007-0198
	)	
v.	)	
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

BENJAMIN H. LANE, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:

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P R O C E E D I N G S

JUDGE LANE: My name is Benjamin Lane. I'm the regulatory law judge assigned to this case, which is Case No. GC-2007-0198, Timothy M. Woodbury versus Laclede Gas Company.

By Order dated March 19th, this prehearing conference was scheduled for today, Monday, April 2nd, at 2:00 p.m. in Hearing Room 305.

Any party who wished to appear by telephone was to notify me by calling me at my phone number which was specified in the Order by no later than March 26th. No such request was received from any party.

And, also, any party wishing to file a continuance was also to notify me and indicate why they were unable to appear, give the reason and also specify dates at which they were to appear, and no such requests for a continuance has been received from any party and no request to appear at this proceeding by telephone was received.

So before we go any further, I might as well -- I have a pretty good idea, just scanning who is here, and I know from overhearing the conversation before we went on the record who is here, but if each of you would please formally enter your appearance orally.

I know you have filed written entries of

appearance but just for the record if you would enter your appearances for the record.

Let's go ahead and start with you, Mr. Poston.

MR. POSTON: Marc Poston appearing on behalf of the Office of the Public Counsel and the public.

JUDGE LANE: Thank you.

Ms. Heintz and Ms. Kliethermes.

MS. KLIETHERMES: Sarah Kliethermes and Jennifer Heintz appearing on behalf of the Staff of the Missouri Public Service Commission.

JUDGE LANE: Thank you very much.

And Mr. Pendergast.

MR. PENDERGAST: Michael C. Pendergast and Rick E. Zucker appearing on behalf of Laclede Gas Company.

JUDGE LANE: I will note for the record that Mr. Woodbury is not present, and it is approximately 2:09 p.m., or about ten minutes after the scheduled hearing date and time.

Normally I would recapitulate what was said in the March 19th Order, particularly for Mr. Woodbury's behalf, as to the purpose of a prehearing conference, what is meant to be achieved. I think everyone here has been to one or more of those.

But just very briefly, I want to talk about

that, because it may be possible to get something done here, maybe, even without the Complainant to participate, if, in fact, he does not arrive before we conclude the hearing, on-the-record portion of the hearing, and go into the prehearing.

Let me first ask each of you that are here, do you see -- given the circumstances of this case, the allegation, pleadings, whether Staff and OPC and Laclede are in agreement or in disagreement as to the proper resolution to this case? Do you see any benefit in continuing with and going ahead and conducting a prehearing conference once I have left given that the Complainant, Mr. Woodbury, is not present?

MR. PENDERGAST: Speaking for Laclede, Your Honor, I'd certainly be willing to discuss with the other parties what we'd be willing to offer Mr. Woodbury to get this matter resolved, and I think it might be helpful for me to see if they agree with what my approach would be.

That's not to say that Mr. Woodbury will necessarily agree with what we're talking about or what we're proposing, but certainly we're willing to make one more phone call and one more effort to go ahead and try and get the matter resolved, and we certainly would be happy to report back to you, if we can, with any

recommendation we might have.

JUDGE LANE: Staff, do you have any comments?

MS. HEINTZ: That would be agreeable to us.

JUDGE LANE: OPC?

MS. POSTON: Okay with me.

JUDGE LANE: Okay. Very good.

I think what we'll do now is, you know, we mentioned the possibility of settlement. I will say that in the Order setting this conference, Mr. Woodbury was notified that failure to appear at this conference without requesting a continuance or without, you know, giving -- showing some cause for a failure to appear, may result in the dismissal of either him as a party or on his complaint.

And I will say that a show cause order will be issued in which he will be given -- I haven't decided the amount of time, but he will be given some time to show why his complaint should not be dismissed for failure to adhere to the procedural requirements and the Order to attend this conference.

Nevertheless, I think I agree with the parties that it might be valuable to just take maybe a few minutes, talk about what Laclede is willing to offer in conjunction with Staff and to get OPC's input as well, as

to some extent you can step into Mr. Woodbury's shoes as a representative of the public in this matter. I'm not saying you have to or that would even be appropriate. I'm just saying --

MS. POSTON: Okay.

JUDGE LANE: -- since he's not here, that might be a possibility.

So I don't think there is any need to go into the things that we might otherwise discuss, a procedural schedule, all of those things. Most of that was going to be for Mr. Woodbury's benefit, not being familiar with this type of proceeding.

So unless anyone has any other questions or suggestions, I plan to go ahead and go off the record, conclude the on-the-record portion of this proceeding, have you discuss, know that I am available should you need me for anything. You can reach me up in my office or by phone.

And, you know, take this time -- since we've got you all here together, take this time and make use of it, and we'll try to find out what happened to Mr. Woodbury this afternoon.

All right. Does that sound okay to everyone?

MR. PENDERGAST: Thank you, Your Honor.

JUDGE LANE: Very good. We're off the record in this proceeding then.

WHEREUPON, the on-the-record portion of the Prehearing Conference was concluded.