

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

In the Matter of an Investigation into the)
Eligibility of Expenses Recovered Through)
the Infrastructure System Replacement)
Surcharge)

Case No. GO-2017-0081

MOTION TO CLOSE DOCKET

COMES NOW the Office of Public Counsel (“OPC”) and for its Motion to Close Docket,
states as follows:

1. OPC requested the Public Service Commission (“Commission”) open this case to enable OPC to investigate the eligibility of infrastructure costs submitted to the Commission to be recovered through the gas Infrastructure System Replacement Surcharges (“ISRS”). Mo. Rev. Stat. §§ 393.1009-1015.

2. The request to open this case was made coincident to the ISRS petition cases filed by Laclede Gas Company (“Laclede”) and Missouri Gas Energy (“MGE”) in Case Nos. GO-2016-0196 and GO-2016-1097 with the goal of gaining a better understanding of what types of costs Missouri’s gas companies consider eligible for recovery through the ISRS and the processes used by gas companies in identifying those costs.

3. Pursuant to this goal, OPC sent numerous data requests and made several project site visits whereby it discovered significant errors regarding the processes the gas companies were using to determine ISRS-eligibility under the ISRS statutory requirements.

4. These issues were presented to the Commission as part of subsequent ISRS petition cases filed by Laclede and MGE in Case Nos. GO-2016-0332, GO-2016-0333, GO-2017-0201, and GO-2017-0202.

5. Specifically, the OPC concluded that MGE and Laclede had, among other things, inappropriately included in their request the costs for replacement of plastic piping that was neither worn out nor otherwise in a deteriorated condition and hence not eligible for ISRS recovery.

6. The Western District of the Missouri Court of Appeals ultimately confirmed this position, finding that “recovery of the costs for replacement of plastic components that are not worn out or in a deteriorated condition is not available under ISRS” because “those costs do not satisfy the requirements found in the plain language of section 393.1009(5)(a).” *PSC v. Office of Pub. Counsel (In re Laclede Gas Co.)*, 539 S.W.3d 835, 841 (Mo. App. W.D. 2017).

7. While Laclede and MGE remain lethargic in both recognizing the effect of and complying with the Western District’s decision, the OPC nevertheless believes that the Court of Appeals has resolved any lingering doubts regarding the problems with the practices, processes, and recordkeeping used by Missouri’s gas companies to determine ISRS-eligibility and that any further investigation into this question may be sufficiently conducted in the individually filed ISRS cases.

WHEREFORE, the office of Public Counsel respectfully requests the Commission close this docket.

Respectfully submitted,

OFFICE OF PUBLIC COUNSEL

By: /s/ John Clizer
John Clizer (#69043)
Associate Counsel
P.O. Box 2230
Jefferson City MO 65102
(573) 751-5324
(573) 751-5562
john.clizer@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 15th day of June, 2018.

/s/ John Clizer