

Inc., for a lack of jurisdiction over these two entities, as opposed to dismissal for failure to state a claim. The basis for dismissal here, failure to state a claim, misses the mark because it implies that this Commission currently has jurisdiction over the two Laclede affiliates. Finally, neither the Affiliate Transaction Rule or the Marketing Affiliate Transaction Rule, 4 CSR 240.04.015 and 4 CSR 240.04.016 respectively, confer jurisdiction to this Commission over the Laclede affiliates. While transactions and activities of affiliates are encompassed within these two rules, jurisdiction of this Commission is limited to the regulated entity, unless the limitations set out in Section 393.140(12), RSMo 2000 are met, and only then can this Commission assert jurisdiction over an affiliate.

Because this Commission lacks jurisdiction over the two Laclede affiliates at this time I concur in the result of this Commission Order but differ on the manner in which I would have reached that result.

Sincerely,



Terry M. Jarrett, Commissioner

Issued this 22st day of December, 2010.