

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	Case No. GC-2011-0006
	)	
Laclede Gas Company,	)	
Respondent.	)	

**PUBLIC COUNSEL’S RESPONSE TO MOTION FOR  
RECONSIDERATION AND APPLICATION FOR REHEARING**

**COMES NOW** the Missouri Office of the Public Counsel (OPC) and for its response to Laclede Gas Company’s Motion for Reconsideration and Application for Rehearing (“Motion”) states as follows:

1. OPC urges the Commission to deny Laclede’s November 12, 2010 Motion for Reconsideration and Application for Rehearing because Laclede fails to raise new issues not previously considered and addressed in the Commission’s November 3, 2010 Order Dismissing Counterclaim of Laclede Gas Company for Failure to State a Claim Upon Which Relief Can Be Granted (“Order”).

2. Laclede’s recitation of the background facts in its Motion highlights how Laclede’s Motion is premised entirely upon a gross misrepresentation of the issue raised in the Staff’s Complaint. On Page 2 of its Motion, Laclede clearly misrepresents the Staff’s Complaint when Laclede states:

In the above referenced Complaint, the Staff alleged that Laclede’s failure to produce certain proprietary documents of Laclede’s affiliate, Laclede Energy Resources, Inc. (“LER”), is a violation of the Unanimous Stipulation and Agreement (the “Agreement”) in Laclede’s Holding Company Case (herein so called), Case No. GM-2001-342.

This statement is simply not true. Fortunately, the Commission is aware of the true issue raised in the Staff's Complaint, which is clear from the Commission's Order where it states that the "Staff alleges Laclede violated a provision in a stipulation and agreement by arguing to the Circuit Court of Cole County that Laclede did not have in its possession certain documents held by its affiliate gas marketing company". Laclede would like the Commission to ignore the clear distinction between alleging a utility violated a stipulation provision by claiming lack of possession, from a complaint alleging a utility failed to produce certain proprietary documents. Laclede's Motion is premised entirely upon Laclede's incorrect representation of the Staff's Complaint, it raises no new issues not previously dismissed by the Commission, and should be denied.

WHEREFORE, the Office of the Public Counsel respectfully offers this response to Laclede Gas Company's Motion for Reconsideration and Application for Rehearing.

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 22<sup>nd</sup> day of November 2010:

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