

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

The Staff of the Missouri Public Service Commission,)		
)		
v.)	<u>Case No. GC-2011-0098</u>	
)		
Laclede Gas Company,)		
)		
Respondent.)		

**JOINT MOTION TO DISMISS COMPLAINT AND
COUNTERCLAIM(S) WITH PREJUDICE**

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and Laclede Gas Company (“Laclede”) and for their ***Joint Motion to Dismiss Complaint and Counterclaim(s) with Prejudice*** (“Joint Motion”) respectfully state as follows:

1. On July 16, 2013, Staff, Laclede, and the Office of the Public Counsel (“OPC”) jointly filed a *Unanimous Partial Stipulation and Agreement and Waiver Request and Request for Approval of Cost Allocation Manual* (the “Unanimous Partial Stipulation and Agreement”) in multiple Commission dockets, including this docket – Case No. GC-2011-0098.

2. Paragraph 5 of the Unanimous Partial Stipulation and Agreement provided in part that: “As a result of the stipulations and agreements contained in this Unanimous Partial Stipulation and Agreement, if approved by the Commission, the Complaint Case [*i.e.*, Case No. GC-2011-0098] shall be dismissed with prejudice.” Similarly, paragraph 6 of the Unanimous Partial Stipulation and Agreement provided in part that: “Also, as a result of the stipulations and agreements contained in this

Unanimous Partial Stipulation and Agreement, if approved by the Commission, Laclede shall withdraw with prejudice its counterclaim in the Complaint Case.” Finally, the “Wherefore clause” of the Unanimous Partial Stipulation and Agreement requested, among other relief, that “the Commission issue its Order: . . . dismissing the Complaint Case and Laclede’s counterclaim in the Complaint Case with prejudice.”

3. On August 14, 2013, the Commission issued its *Order Approving Stipulation and Agreement, Granting Waiver, and Approving Cost Allocation Manual* (the “Order”) in which it approved the Unanimous Partial Stipulation and Agreement and ordered the signatory parties to the Unanimous Partial Stipulation and Agreement to comply with the terms thereof. In the body of the Order the Commission correctly noted that “The stipulation and agreement would resolve all issues in that complaint [*i.e.*, Case No. GC-2011-0098] and if approved, will result in the dismissal, with prejudice of Staff’s complaint and Laclede’s counter-claim” and that “Upon the Commission’s approval of the stipulation and agreement, both Staff’s complaint and Laclede’s counter-claim in [GC]-2011-0098 will be dismissed with prejudice.” While the Commission approved the Unanimous Partial Stipulation and Agreement, the “Ordered section” of the Order did not specifically address the matter of dismissal of the Complaint Case or Laclede’s counterclaim therein. Therefore, the joint movants are formally requesting such dismissal herein.

4. The Order was issued on August 14, 2013, and bore an effective date of August 24, 2013. The Order has therefore become effective. Furthermore, no applications for rehearing of the Order have been filed.

5. Since the Unanimous Partial Stipulation and Agreement has been approved by the Commission and the Order approving the Unanimous Partial Stipulation and Agreement has become effective and no applications for rehearing thereof have been filed, pursuant to the Unanimous Partial Stipulation and Agreement Staff and Laclede jointly move that this Complaint Case (Case No. GC-2011-0098), including all claims and counterclaims asserted herein, be dismissed with prejudice.

6. Counsel for OPC has reviewed this Joint Motion and indicated that OPC does not oppose the relief requested herein.

WHEREFORE, Staff and Laclede respectfully request that the Commission issue an order granting this Joint Motion and dismissing this Complaint Case (Case No. GC-2011-0098), including all claims and counterclaims asserted herein, with prejudice.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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ATTORNEYS FOR LACLEDE GAS
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 26th day of August, 2013.

/s/ Jeffrey A. Keevil