

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

In the Matter of Laclede Gas Company,                     )  
Missouri Gas Energy's Purchased Gas                     )        **Case No. GR-2014-0324**  
Adjustment Tariff Filing                                     )

**RESPONSE TO MSBA APPLICATION TO INTERVENE AND MOTION  
TO SUSPEND PARTIAL STIPULATION AND AGREEMENT**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its *Response to MSBA Application to Intervene and Motion to Suspend Partial Stipulation and Agreement* ("Response") states as follows:

1. On March 13, 2017, the Missouri School Boards' Association ("MSBA") filed an *Application to Intervene and Motion to Suspend Partial Stipulation and Agreement* ("Application") in this case. On the same date, the Commission issued, by delegation of authority, an Order providing that responses to MSBA's Application be filed no later than March 17, 2017.

2. MSBA's Application claims that the partial stipulation and agreement filed herein by Missouri Gas Energy ("MGE") and Staff was somehow "without notice to [or] due process for" MSBA. For this reason, Staff feels compelled to respond, so the Commission has more complete information on which to base its decision regarding MSBA's Application.

3. This case was opened on April 30, 2014, when MGE proposed a PGA rate adjustment. The Commission issued its first order in this case on May 1, 2014, and has issued numerous orders throughout this case since its beginning. On October 17, 2014, MGE made another PGA filing in this case and also proposed to adjust its ACA factor.

Staff filed its recommendation regarding MGE's ACA filing on December 8, 2015. Staff's December 8, 2015 recommendation raised concerns regarding balancing and cash-outs under MGE's school transportation program ("STP") similar to the concerns Staff raised in MGE's prior ACA case.

4. After additional filings herein by Staff and MGE, on March 29, 2016, the Commission issued an *Order Directing Filing of Status Report and Request for Waiver/Variance*, in which the Commission ordered interested parties to "meet to discuss the STP balancing issue referenced in the body of this order" and "file a status report with the Commission no later than May 27, 2016."

5. As a result of the Commission's March 29<sup>th</sup> Order, on May 17, 2016, MGE, Staff, and MSBA representatives met at the offices of the Commission to discuss the STP balancing issue as ordered.<sup>1</sup> Although no final agreement was reached at this meeting, MSBA representatives were in attendance and participated, so they clearly had notice of the issue; however, for still unexplained reasons, they did not file for intervention until March 13, 2017 – nearly ten months after the meeting, and nearly three years after the case was opened.

6. The Commission's rule on intervention, 4 CSR 240-2.075, provides in part as follows:

(1) A motion to intervene or add new member(s) shall be filed *within thirty (30) days* after the commission issues its order giving notice of the case, unless otherwise ordered by the commission.

\* \* \*

(10) Motions to intervene or add new member(s) filed after the intervention date may be granted *upon a showing of good cause*. Any *motion* so filed *must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the*

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<sup>1</sup> See paragraph 2 and footnote 2 of the *Status Report* filed herein on May 23, 2016.

*record established in that case*, including the requirements of any orders of the commission, as of the date the motion is filed. (Emphasis added)

7. It should also be noted that the Commission's rule on stipulations and agreements, 4 CSR 240-2.115, provides in part as follows:

(2) Nonunanimous Stipulations and Agreements.

(A) A nonunanimous stipulation and agreement is any stipulation and agreement which is entered into by fewer than all of the parties.

(B) *Each party* shall have *seven (7) days* from the filing of a nonunanimous stipulation and agreement *to file an objection* to the nonunanimous stipulation and agreement. Failure to file a timely objection shall constitute a full waiver of that party's right to a hearing.

(C) *If no party timely objects* to a nonunanimous stipulation and agreement, the commission may treat the nonunanimous stipulation and agreement as a unanimous stipulation and agreement. (Emphasis added)

The stipulation and agreement which is at issue was filed on February 22, 2017. No entity which is currently a party to this case filed an objection to the stipulation and agreement within the seven (7) days provided in the rule. Even MSBA's Application to intervene and become a party to the case and "motion to suspend" the stipulation and agreement was not filed until March 13 – more than seven (7) days after the filing of the stipulation and agreement, when "the commission may treat the nonunanimous stipulation and agreement as a unanimous stipulation and agreement."

**WHEREFORE**, Staff submits this Response pursuant to the Commission's Order issued March 13, 2017.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

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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 counsel of record this 17<sup>th</sup> day of March, 2017.

**/s/ Jeffrey A. Keevil**