

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
April, 2005.

In the Matter of Laclede Gas Company's Purchased)	
Gas Adjustment Tariff Revisions to be Reviewed)	<u>Case No. GR-2001-387</u>
in Its 2000-2001 Actual Cost Adjustment)	

In the Matter of Laclede Gas Company's Purchased)	
Gas Adjustment Factors to be Reviewed in Its)	<u>Case No. GR-2000-622</u>
1999-2000 Actual Cost Adjustment)	

ORDER ON REMAND

On April 29, 2003, the Commission issued a report and order regarding Laclede Gas Company's actual cost adjustments for 1999-2000 and 2000-2001. As part of that order, the Commission required Laclede to flow back to its customers \$4,872,997 in proceeds that were not previously distributed by Laclede from its Price Stabilization Program account for the winter of 2000-2001. Laclede appealed that aspect of the Commission's order. On March 1, 2005, the Missouri Court of Appeals for the Western District issued a decision that reversed the Commission's order.¹

The Court of Appeals found that the plain language of Laclede's tariff entitled Laclede to retain the disputed proceeds, and remanded the case to the Circuit Court of Cole County, with directions to remand the cause to this Commission for further

¹ State ex rel Laclede Gas Co. v. Public Serv. Comm'n, 205 Mo. App. Lexis 343 (Mo. App. W.D. 2005)

proceedings consistent with its opinion. The Circuit Court remanded the cause to the Commission in an order issued March 30, 2005.

The Court of Appeals' order does not allow the Commission any discretion and the Commission must now simply issue its order consistent with that decision.

IT IS THEREFORE ORDERED:

1. That the Commission's previous order requiring Laclede Gas Company to flow back to its customers \$4,872,997 in proceeds that were not previously distributed from the Price Stabilization Program account from the winter of 2000-2001 is reversed, and Laclede may retain those proceeds.

2. That Laclede Gas Company shall adjust its account balances in this and subsequent ACA filings in a manner consistent with this order.

3. That this order shall become effective on April 17, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Davis, Ch., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Senior Regulatory Law Judge