

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

In the Matter of the Verified Application	)	
and Petition of Laclede Gas Company to	)	
Change its Infrastructure System	)	Case No. GO-2009-0221
Replacement Surcharge	)	

**PUBLIC COUNSEL’S RESPONSE  
TO ORDER DIRECTING FILING**

**COMES NOW** the Missouri Office of the Public Counsel and for its Response to the Commission’s Order Directing Filing states:

1. The Commission’s January 27, 2009 Order Directing Filing directs Public Counsel to file a recommendation regarding Laclede’s tariff no later than January 30, 2009.

2. Due to time and resource constraints, Public Counsel did not review or audit the specific costs that Laclede claims are eligible ISRS costs. Public Counsel recognizes that the Commission’s approval of Laclede’s petition and the associated rate schedules is not binding on the Commission in Laclede’s next general rate case. Section 393.1015 states:

Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of section 393.1009 to 393.1015 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements previously included in an ISRS, the gas corporation shall offset its ISRS in the future as necessary to recognize and account for any such overcollections.

3. For these reasons, Public Counsel takes no position on Laclede's tariff proposal or on the Staff's Memorandum. Public Counsel may choose to take a position on the prudence of such costs in Laclede's next general rate case. § 386.710 RSMo 2000.

WHEREFORE, the Office of the Public Counsel respectfully offers this response to the Commission's Order Directing Filing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties of record this 30th day of January 2009.

/s/ Marc Poston