

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

In the Matter of an Investigation into City Utilities)
of Springfield Plastic Pipe Failures and the)
Adequacy of Its Leak Survey Procedures,)
Installation Procedures and Replacement Criteria)

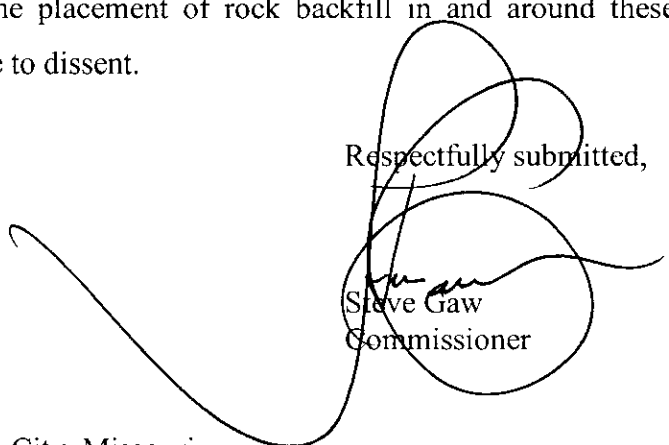
Case No. GS-2004-0257

DISSENTING OPINION OF COMMISSIONER STEVE GAW

This Commissioner dissents from the Majority Order because it fails to require City Utilities to take sufficient corrective action on certain plastic lines in its gas delivery system. The Staff report with which the Majority has directed CU's compliance does not set forth requirements for the replacement of all brittle, leaking, or unsafe pipe, unless it is covered with rock backfill. By ignoring that the pipe itself is defective, and focusing only on pipe laid in rock, the Commission fails to adequately protect citizens against potentially dangerous situations, where pipe that was declared defective (recalled) is still servicing communities.

This Order only specified that a leak survey would be conducted. This is not enough. The Commission needs to also order a firm pipe replacement plan and extensive testing of pipe to determine whether it is safe under normal conditions. Furthermore, based upon the finding of additional rock backfill since its initial investigation, there is a need for Staff to further investigate and evaluate whether CU violated any Commission rules regarding the placement of rock backfill in and around these pipes. For these reasons I continue to dissent.

Respectfully submitted,


Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 12th day of March, 2007.

134