

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

In the Matter of an Incident in #6 Hagers  
Mill Court, Manchester, Missouri.

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Case No. GS-2004-0264

**Dissenting Opinion of Chairman Steve Gaw**

I respectfully dissent from the Order Approving Stipulation and Agreement issued by the majority in this proceeding. While I agree with the preventative steps agreed to by the parties and approved by the majority, I am concerned about the failure of the Stipulation and Agreement to address the appropriateness of potential penalties associated with Laclede's alleged rule violations.

Specifically, I refer the parties attention to Section 386.570 RSMo et seq. While the one hundred dollar penalty contained in Section 386.570.1 appears to be nominally immaterial and incapable of inducing any corrective behavior on the part of a utility, I note that Section 386.570.2 provides that "in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense."

In the case at hand, injuries were sustained and rule violations alleged. I cannot approve a Stipulation and Agreement that does not penalize the Company for failing to follow safety rules without a reasonable explanation of why those penalty provisions do not or should not apply.

Respectfully submitted,



Steve Gaw  
Chairman

Dated at Jefferson City, Missouri,  
on this 5th day of August, 2004.