

# 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    ) **File No. GO-2010-0212**  
System Replacement Surcharge                                ) **Tariff No. YG-2010-0455**

## **ORDER GRANTING APPLICATION TO INTERVENE AND GRANTING WAIVER FROM COMMISSION RULES**

Issue Date: February 10, 2010

Effective Date: February 10, 2010

On January 15, 2010, Laclede Gas Company ("Laclede") filed an application with the Missouri Public Service Commission pursuant to Sections 393.1009, 393.1012, and 393.1015, RSMo Cum. Supp. 2009, and Commission Rules 4 CSR 240-2.060, 2.080 and 3.265, requesting that the Commission authorize it to change its Infrastructure System Replacement Surcharge ("ISRS"). On January 29, 2010, the USW Local 11-6, ("Local 11-6"),<sup>1</sup> filed a timely application to intervene pursuant to 4 CSR 240-2.075.

Commission Rule 4 CSR 240-2.075(4) provides:

**(4) The commission may on application permit any person to  
intervene on a showing that –**

**(A) The proposed intervenor has an interest which is  
different from that of the general public and which may be  
adversely affected by a final order arising from the case; or**

**(B) Granting the proposed intervention would serve the  
public interest.**

Local 11-6 identifies itself as a labor organization that represents approximately 1150 of Laclede's employees in physical classifications such as production, maintenance, operations and distribution jobs. Its principal place of business is located at 7750 Olive Boulevard, St. Louis, Missouri 63130. Local 11-6 identifies itself as an "association," but

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<sup>1</sup> While not clear in its application, this Gasworkers Union is apparently affiliated with the United Steelworkers Union. See <http://gasworkersunion.com/>.

does not believe it is the type of association referenced in 4 CSR 240-2.060(1)(J) or 2.075(3). These regulations require an association to file a list of its members, and to the extent these regulations may apply to Local 11-6, it seeks a waiver of this requirement.

In its application, Local 11-6 states that it has an interest in this case that is different from that of the general public, and that may be adversely affected by a final order in this case. Specifically, it claims that Local 11-6 is “concerned with the impact the requested ISRS change on its members’ jobs and other terms and conditions of their employment.” Local 11-6 acknowledges that the general public’s interests, as opposed to its own interests, “are concentrated in the safe and dependable delivery of natural gas and related products and services at a reasonable cost.” There is no argument offered by Local 11-6 that this interest can not be adequately protected by the Office of Public Counsel, who is already a party to this action.

It is unclear how any Commission action in this case would impact Local 11-6’s terms and conditions of employment, because Section 386.315, RSMo specifically prohibits the Commission, when establishing public utility rates, from changing, in any way, the wage rate, benefit, working condition, or other term or condition of employment that is the subject of a collective bargaining agreement between the public utility and a labor organization. Moreover, section 393.1015.2(2) prohibits the examination of extraneous ratemaking issues in an ISRS application when it states in pertinent part:

**No other revenue requirement or ratemaking issues shall be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of section 393.1000 to 393.1006.**

Finally, Local 11-6’s position in this matter, although not clearly defined at this time, may be irrelevant. Section 393.1015.2(4) provides:

**If the commission finds that a petition complies with the requirements of sections 393.1009 to 393.1015, the commission shall enter an order authorizing the corporation to impose an ISRS that is sufficient to recover appropriate pretax revenues, as determined by the commission pursuant to the provisions of sections 393.1009 to 393.1015.**

If the Commission finds that Laclede's petition complies with the statutory provisions of sections 393.1009 and 393.1015, which are restricted to the appropriate timing of the application and the correct calculation of the proposed changes, it may be bound to enter an order authorizing the ISRS unless Local 11-6's position clearly raises an issue of statutory compliance.

Although Local 11-6's position is not clearly articulated at this time, no other party sought to oppose its application to intervene within the ten-day period allowed in 4 CSR 240-2.080(15). Local 11-6's application will be granted.

**THE COMMISSION ORDERS THAT:**

1. USW Local 11-6, Application for Intervention is granted.
2. USW Local 11-6 is granted a waiver from Commission Rules 4 CSR 240-2.060(1)(J) and 4 CSR 240-2.075(3).
3. This order shall become effective on February 10, 2010.

( S E A L )

**BY THE COMMISSION**



**Steven C. Reed  
Secretary**

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10<sup>th</sup> day of February, 2010.