

**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)	

RESPONSE OF THE OFFICE OF THE PUBLIC COUNSEL

COMES NOW the Missouri Office of the Public Counsel and for its Response states:

1. On November 21, 2008, Laclede Gas Company (Laclede) filed a petition to change its Infrastructure System Replacement Surcharge (ISRS) to recover ISRS-eligible costs “incurred from April 1, 2008 to September 30, 2008.” Laclede proposed an effective date of January 19, 2009.

2. Section 393.1015 RSMo grants the Commission one hundred twenty days to issue an order on the petition. Accordingly, the Commission has until March 21, 2009 to issue its order on Laclede’s ISRS petition.

3. On January 20, 2009, the Staff issued a Memorandum, recommending that Laclede’s tariff filing be rejected, and that the Commission direct Laclede to file a revised tariff sheet in compliance with the changes recommended in the Memorandum. The Staff also recommended that the depreciation and deferred tax reserves for the ISRS be reflected through the implementation date of the ISRS, effectively adding four months of ISRS costs to the amount originally requested by Laclede.

4. On January 21, 2009, Laclede filed its Response to Staff Recommendation and Motion for Expedited Treatment (Response). Laclede’s Response accepts the Staff’s

calculation and requests that a contemporaneous compliance tariff filing be effective “as soon as reasonably practicable, but no later than February 4, 2009.” Laclede suggests that expedited treatment of the ISRS filing is consistent with a Stipulation and Agreement from Case Number GR-2007-0208.

5. Laclede’s tariff filing of January 21, 2009 was submitted only three business days from the date of this pleading. Public Counsel has not had a sufficient opportunity to review the changes proposed by the Staff or Laclede’s new tariff changes.

6. Requests for expedited treatment must follow Commission rule 4 CSR 240-2.080(16), which requires pleadings requesting expedited treatment to set forth, among other things, the harm that will be avoided by expediting, or the benefit that will accrue. Laclede has not satisfied this requirement in that Laclede has not identified the harm that will be avoided or the benefit that will accrue. Laclede’s January 21, 2009 response simply states that “harm will be avoided” without explanation.

7. Public Counsel recognizes that it agreed to follow a reasonable timeframe for implementing ISRS rates, contingent on “the availability of the parties resources to process the surcharge.” Public Counsel does not believe that it is reasonable to expedite the implementation of the Staff’s recommendations or the effective date of Laclede’s tariff under the time-frame proposed by Laclede. Public Counsel has not had a sufficient opportunity to review the proposal before the Commission, and respectfully requests that it be given ten days from the issuance of Laclede’s revised tariff proposal to file a response, if a response is warranted, before the Commission issues an order on the ISRS petition.

WHEREFORE, the Office of the Public Counsel respectfully offers this response, asserts that Laclede has not followed the Commission's rules for expedited treatment, and requests additional time to review the Staff's Memorandum and Laclede's tariff filing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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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 26th day of January 2009.

/s/ Marc Poston