

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

USW Local 11-6)	
)	
Complainant,)	
)	
v.)	
)	
Laclede Gas Company,)	Case No. GC-2006-0390
)	
)	
Respondent.)	

STAFF RESPONSE TO USW LOCAL 11-6'S MOTION TO FILE TESTIMONY OUT OF TIME ABOUT NEWLY DISCOVERED EVIDENCE AND STAFF'S MOTION TO DECLASSIFY USW LOCAL 11-6'S MOTION

Comes now the Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows:

1. The Hearing in this case commenced on December 11, 2006 and continued on December 12, 2006. The hearing is currently set to resume on February 14, 2007.
2. On December 21, 2006, USW Local 11-6 filed its Motion to File Testimony Out of Time About Newly Discovered Drill-Through and Major Leak (Motion).
3. Staff first notes that USW Local's Motion is filed in EFIS only as a Highly Confidential document. Staff attempted to contact USW Local's Counsel by phone and email regarding this matter since a simple refileing by USW Local 11-6 with a public version would solve this problem. The response indicated that the classification of the Motion as Highly Confidential was intentional. Staff moves to declassify USW Local's Motion in its entirety.

Staff notes that it does not contain anything that even remotely appears to be Highly Confidential. Accordingly, Staff seeks a Commission Order declassifying USW Local 11-6's Motion in its entirety.

4. In view of the foregoing, the balance of Staff's Response will be labeled Highly Confidential.

** 5. Staff takes any alleged gas safety concerns seriously. Staff believes that an investigation into the matter mentioned in USW Local 11-6's Motion is appropriate. Staff has already been in contact with Laclede regarding this matter and would welcome and encourage information from USW Local 11-6 regarding this matter. However, other than the filing of this Motion, USW Local 11-6 has provided no information to the Staff.

6. Staff believes that a prompt investigation of this matter by Staff is the appropriate. However, USW Local 11-6's Motion seeks the adducing of further evidence, apparently solely related to this incident. The Motion states:

4. In addition, Local 11-6 just learned about an instance in which Cellnet sent an employee to make an adjustment to a previously-installed AMR device on an inside meter relating to a high bill complaint, and shortly thereafter the customer called Laclede to report a gas odor. When the service employee arrived, he had to shut off the gas and vent the house. The customer subsequently went to the hospital.

7. USW Local 11-6's Motion is flawed due to its lack of detail. It is reasonable to assume that if USW Local 11-6 knows all of the information set out above, then it knows such things as the address of the occurrence, the date of the occurrence, the property owner's name, the name of the customer who allegedly went to the hospital, the names of anyone who is knowledgeable about the incident such as the service employee (who might well be a USW

Local 11-6 member), and other basic details. Staff suggests that this lack of specificity is reason enough to not allow further evidence in this case and to deny USW Local 11-6's Motion.

8. USW Local 11-6's Motion is further flawed in that the granting of USW Local 11-6's Motion, as filed, would deny procedural and substantive due process to all of the other Parties in the case. USW Local 11-6's Motion criticizes Commission rules for not allowing what USW Local 11-6 wants in this case, i.e. to adduce additional evidence on matters months after prefiled testimony was due (Paragraphs 5,6,8). The granting of USW Local 11-6's Motion, as filed, would unilaterally permit USW Local to file additional testimony, allow no other Party to file responsive testimony or conduct appropriate discovery. At least, the opportunity to respond to such additional testimony should be part of any procedure in this case.

9. Staff does not believe that additional evidence, as sought by USW Local 11-6, is necessary. An investigation by Staff into this matter with full disclosure by both USW Local 11-6 and Laclede will be conducted. Staff can present the results of its investigation to the Commission, if so desired.

10. However, if the Commission determines otherwise, then Staff recommends that all Parties be given discovery time, additional testimony be scheduled for all Parties and that the matter be fully litigated in this case. This could involve delaying the hearing beyond February 14, 2007. **

WHEREFORE, Staff respectfully requests that the Commission issue an Order consistent with Staff's Response.

Respectfully submitted,

/s/ Robert V. Franson
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 29th day of December 2006.

/s/ Robert V. Franson