

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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5 TRANSCRIPT OF PROCEEDINGS
6 Prehearing Conference
7 March 15, 2007
8 Jefferson City, Missouri
9 Volume 1
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11 R. J. Liebe Athletic)
12 Lettering Company,)
13)
14 Complainant,) Case No. GC-2007-0192
15)
16 v.)
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18 Laclede Gas Company,)
19)
20 Respondent.)
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23 HAROLD STEARLEY, Presiding,
24 REGULATORY LAW JUDGE.
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1 APPEARANCES:

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3 THOMAS R. SPALDING, Attorney at Law
4 16020 Swingley Ridge, Suite 330
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6 (636) 532-6100

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8 FOR: R. J. Liebe Athletic Lettering
9 Company

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11 RICK E. ZUCKER, Attorney at Law
12 720 Olive Street, Suite 1516
13 St. Louis, Missouri 63101
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15 FOR: Laclede Gas Company.

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17 ROBERT S. BERLIN, Associate General Counsel
18 P.O. Box 360
19 200 Madison Street
20 Jefferson City, MO 65102
21 (573) 751-3234

22 FOR: Staff of the Missouri Public
23 Service Commission.

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1 P R O C E E D I N G S

2 JUDGE STEARLEY: Good morning. This
3 morning is Thursday, March 15th, 2007, and we are
4 here for a prehearing conference in the case R. J.
5 Liebe Athletic Lettering Company versus Laclede Gas
6 Company, Case Number GC-2007-0192.

7 My name is Harold Stearley, and I'm the
8 presiding officer in this matter. The court reporter
9 this morning is Pam Fick, and we'll begin by taking
10 oral entries of appearance, starting with R. J. Liebe
11 Athletic Lettering Company.

12 MR. SPALDING: This is Tom Spalding. I
13 represent R. J. Liebe Athletic Company.

14 JUDGE STEARLEY: And could you give us
15 your address for the record, Mr. Spalding?

16 MR. SPALDING: My address is 16020
17 Swingley Ridge -- that's S-w-i-n-g-l-e-y, Ridge Road,
18 Suite 330, Chesterfield, Missouri 63017.

19 JUDGE STEARLEY: Thank you,
20 Mr. Spalding. For Laclede Gas Company?

21 MR. ZUCKER: This is Rick Zucker
22 representing Laclede Gas Company, 720 Olive Street,
23 Suite 1516, St. Louis, Missouri 63101.

24 JUDGE STEARLEY: All right. And Staff
25 of the Missouri Public Service Commission.

1 MR. BERLIN: Appearing on behalf of the
2 Staff of the Missouri Public Service Commission, Bob
3 Berlin, Post Office Box 360, Jefferson City, Missouri
4 65102.

5 JUDGE STEARLEY: All right. And let the
6 record reflect that there's no one present for the
7 Office of Public Counsel.

8 At this point in time I don't believe we
9 have any preliminary matters that I need to address,
10 do I? Are there any that I need to address at this
11 moment.

12 MR. SPALDING: I don't believe so.

13 MR. ZUCKER: Not that I know of.

14 JUDGE STEARLEY: All right. My intent
15 was to bring the parties all here in person today,
16 but I didn't really make that clear in my order
17 setting the conference. And so we were able to get a
18 phone bridge, but the phone bridge we have for two
19 hours, until noon. So I hope that's adequate time
20 for the parties to be able to confer this morning.

21 I have also, as you've all noticed, I've
22 not set a procedural schedule in this matter. It
23 appears to me that there may not be any disputed
24 material facts in this case, and consequently that's
25 why I ordered the parties to put together a

1 stipulation as to the material facts not in dispute,
2 which is due next Thursday.

3 MR. ZUCKER: I believe that's correct.

4 MR. SPALDING: There may be a few items
5 of fact that we still need to pursue.

6 JUDGE STEARLEY: All right. And I'll be
7 interested in seeing what those might be. If there
8 are, you may look at setting a procedural schedule
9 and we'll wait and see what gets filed in the matter.

10 Are there any other matters that I need
11 to take up at this point?

12 MR. SPALDING: Not from my end.

13 MR. BERLIN: Judge, I'd like to, you
14 know, clarify your order so that I understand what it
15 is you're looking for and I think for the benefit of
16 counsel. There's a stipulation of facts not in
17 dispute of course, material facts not in dispute, and
18 then you asked for a separate pleading, if there are
19 any facts in dispute, and if there are facts in
20 dispute, you'd like a position statement on those
21 disputed facts?

22 JUDGE STEARLEY: Yes. Basically it
23 appears from reading the parties' pleadings so far,
24 we've got an issue which wouldn't require a hearing
25 to be held for the Commission making a determination.

1 So if the parties are agreeing to the material facts
2 in this case, I would like that to be filed as a
3 stipulation jointly and signed by all the parties.

4 If there remain facts in dispute, I'd
5 like the parties to identify those facts and state
6 for me why they are in dispute and why they believe
7 they're material to the case.

8 MR. BERLIN: And would that be a
9 separate filing?

10 JUDGE STEARLEY: That would be a
11 separate filing because I would want the stipulation
12 to come in as a clean document signed by all the
13 parties in agreement on what facts they are
14 stipulating to. Does that make sense?

15 MR. BERLIN: But if the parties believe
16 there are facts in dispute and have their own
17 separate position regarding those disputed facts,
18 that would be a pleading made by each party, correct?

19 JUDGE STEARLEY: Yes, yes.

20 MR. BERLIN: Okay.

21 JUDGE STEARLEY: I would like to see
22 each party state those and the Commission can decide
23 if they're material and if they need to go forward
24 with a hearing or not. Does that help clarify that?

25 MR. BERLIN: Yes.

1 MR. ZUCKER: I think it does.

2 MR. SPALDING: Yeah. This is Tom
3 Spalding. Off the top of my head, the main item
4 which I believe we'll have to do some discovery and
5 we'll have to determine, the extent -- whether this
6 is an isolated incident or whether we allege has
7 happened to many people as it's approaching a pattern
8 of practice. That is something that's gonna require
9 additional discovery.

10 And, you know, we may end up with a list
11 of people which we don't dispute between the two
12 parties, but I suspect that we will.

13 JUDGE STEARLEY: All right. And we'll
14 have to take up whether or not the potential pattern
15 would be relevant to your complaint or not, so we'll
16 wait and see what the parties can get together for us
17 here on the facts and what they believe might be in
18 dispute, and we'll proceed from there.

19 MR. ZUCKER: I think that sounds good to
20 me.

21 JUDGE STEARLEY: All right. If there
22 are no other matters for me to take up on the record
23 portion of the prehearing conference, we'll go off
24 the record and I'll leave the parties to their
25 discussions.

1 MR. ZUCKER: Thank you, Judge.

2 JUDGE STEARLEY: All right. Thank you
3 all very much.

4 (WHEREUPON, the recorded portion of the
5 prehearing conference was concluded.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)
3) ss.
4 COUNTY OF COLE)
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6 I, PAMELA FICK, RMR, RPR, CSR, CCR #447,
7 within and for the State of Missouri, do hereby
8 certify that the foregoing proceedings were taken by
9 me to the best of my ability and thereafter reduced
10 to typewriting under my direction; that I am neither
11 counsel for, related to, nor employed by any of the
12 parties to the action to which this hearing was
13 conducted, and further that I am not a relative or
14 employee of any attorney or counsel employed by the
15 parties thereto, nor financially or otherwise
16 interested in the outcome of the action.

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PAMELA FICK, RMR, RPR, CSR, CCR #447
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