

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 24th day of
January, 2006.

In the Matter of the Application of Laclede)
Gas Company for a Temporary Variance)
from Certain Portions of Rule 10.A of Its)
Tariff Regarding Meter Testing in)
Connection with Its Implementation of)
an Automated Meter Reading Program)

Case No. GE-2005-0405

**ORDER GRANTING INTERVENTION, DIRECTING FILING, AND
SETTING PROCEDURAL CONFERENCE**

Issue Date: January 24, 2006

Effective Date: February 3, 2006

Laclede Gas Company filed a request for a variance from the statistical sampling requirements of the meter testing program referenced in its tariff through the end of calendar year 2006. Paper, Allied-Industrial, Chemical, and Energy Workers (PACE) Local No. 5-6 filed an application to intervene.

In its application to intervene, PACE Local 5-6 states that it shares the interest of the public in the dependable delivery of natural gas at reasonable rates but that it also has an interest in this matter different from that of the general public. PACE Local 5-6 states that it is concerned with the effect of the variance “on jobs and other terms and conditions of employment.” Laclede Gas Company objects to the intervention indicating that the effect on jobs is not a proper consideration for the Commission in determining the request for a variance.

The Commission finds that the application to intervene substantially complies with Commission Rule 4 CSR 240-2.075(4).¹ The Commission finds that PACE Local 5-6 has an interest and a perspective in this matter that is different from that of the general public. The Commission further finds that granting the proposed intervention will serve the public interest. The application for intervention shall be granted.

PACE Local 5-6 did not declare a position in its application for intervention, except that in its response to Laclede's objection, PACE Local 5-6 stated that the Commission should allow PACE Local 5-6 to intervene so that it may "investigate the accuracy of trace devices as well as Laclede's proposed staffing levels." Thus, the Commission shall direct PACE Local 5-6 to declare whether it is in support or opposition to the variance request. In addition, if PACE Local 5-6 is not in support of the waiver, the Commission directs the parties to appear at a procedural conference to determine the most expedient manner of resolving this case.

At the procedural conference, the parties or their representatives should be prepared to discuss the nature of any discovery each will conduct and the interval necessary for its completion; the number of witnesses each expects to call at hearing; the number and nature of any exhibits each expects to offer at hearing; and the anticipated length of the hearing. The parties are also directed to jointly or separately file a proposed procedural schedule.

IT IS THEREFORE ORDERED:

1. That the request of Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-6 for a waiver of 4 CSR 240-2.060(1)(J) and 2.075(3) is granted.

¹ PACE Local 5-6 requested a waiver of 4 CSR 240-2.060(1)(J) and 2.075(3) requiring an "association" to list all of its members. There was no objection to this waiver and the Commission shall grant it.

2. That the application to intervene filed by Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-6 is granted.

3. That no later than February 3, 2006, Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-6 shall declare its position in this matter.

4. That if Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-6 declares its position to be anything other than support for the request for a variance, a procedural conference shall be held on February 6, 2006, beginning at 10:00 a.m. The procedural conference shall be held in Room 305 at the Commission's office in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards of the Americans with Disabilities Act. If you need additional accommodations to participate in this conference, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.

5. That if a procedural conference is held, the parties shall jointly or separately file a proposed procedural schedule no later than February 14, 2006.

6. That this order shall become effective February 3, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Gaw, Clayton and Appling, CC., concur
Murray, C., dissents, dissenting opinion attached

Dippell, Deputy Chief Regulatory Law Judge