

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day
of June, 2005.

In the Matter of Laclede Gas Company's Request)
to Revise Tariffs.) **Case No. GT-2005-0496**

**ORDER DENYING MOTION FOR RECONSIDERATION
AND CLOSING CASE**

Issue Date: June 28, 2005

Effective Date: July 8, 2005

Syllabus: This order denies the Motion for Reconsideration and Verified Application of Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-6, AFL-CIO, to Intervene.

On May 10, 2005, Laclede Gas Company submitted proposed tariff revisions.¹ In compliance with Section 393.140(11), RSMo, the tariff revisions were filed with at least thirty-days notice. No objections to the tariff revisions were received and the revisions became effective on June 10, 2005.

On June 20, 2005, the Local 5-6 filed a motion requesting that the Commission reconsider allowing the tariff revisions to become effective by operation of law. The motion purported to be filed under Commission rule 4 CSR 240-2.160(2). That rule, however, is specifically for motions to reconsider "procedural and interlocutory orders" of the Commission. Local 5-6 also claims that its motion is filed in compliance with Commission

¹ Tariff No. JG-2005-0976.

rule 4 CSR 240-2.075 regarding requests for intervention. That rule, however, requires requests for intervention to be filed within thirty days of a Commission order. No orders were made by the Commission and Laclede's tariff revisions became effective by operation of law. Local 5-6 cites no other authority for its request for reconsideration ten days after the tariff revisions have become effective.

The Commission determines that Local 5-6 has not stated any authority under which the Commission should reexamine these tariff revisions. The Commission, therefore, denies the motion and closes this case.

Recognizing that the current motion for reconsideration is procedurally and substantively defective, the Commission is bound to deny the motion. Nevertheless, the Commission directs Local 5-6 to the Commission's complaint authority found at Sections 386.390 and 393.140, RSMo, as well as the regulations promulgated thereunder at 4 CSR 240-2.070. Such procedures would provide Local 5-6 a proper vehicle for the Commission to consider its allegations concerning safe and adequate service.

IT IS THEREFORE ORDERED:

1. That the Motion for Reconsideration and Verified Application of Paper, Allied-Industrial, Chemical and Energy Workers Local No. 5-6, AFL-CIO, to Intervene is denied.
2. That this order shall become effective on July 8, 2005.

3. That this case may be closed on July 9, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Dippell, Senior Regulatory Law Judge