

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

In the Matter of Laclede Gas Company's)
Tariff Revision Designed to Clarify Its)
Liability for Damages Occurring on)
Customer Piping and Equipment.)

Case No. GT-2009-0056
Tariff No. JG-2009-0145

STAFF POSITION STATEMENT

COMES NOW the Staff of the Missouri Public Service Commission (Commission) and
for its statements of position, states as follows:

1. On October 2, 2009, the Staff filed, on behalf of the parties, its Issues List, Order Of Witnesses And Order Of Cross-Examination to comply with the Commission's *Order Granting Request To Amend Procedural Schedule* (Order). That Order also directed the parties to file their position statements by October 2nd.

2. Issue agreed by the parties to be decided by the Commission:

Is Laclede Gas Company's proposed tariff just and reasonable?

3. Statements of Position:

Yes. The tariff is just and reasonable because it defines and clarifies the company – customer relationship and because the tariff strikes a fair and reasonable balance between the interests of a potential claimant and the company and protects the interests of all ratepayers.

The tariff proposed by Laclede is just and reasonable and may be approved by the Commission under the general authority granted it by Section 386.250. The Commission may approve the tariff as just and reasonable under the general powers granted it by Section 393.140.

The proposed tariff comports with all applicable Commission and DOT pipeline safety regulations under 4 CSR 240-40.030 and 49 CFR Part 192.

The tariff is just and reasonable because it does not excuse the Company from its own negligence.

The tariff is reasonable because:

- The Commission has imposed an affirmative duty upon the company to perform on-site visual inspections prior to gas turn-on pursuant to the requirements of 4 CSR 240-40.030.
- The tariff sets a 48 hour period after which there becomes a presumption that the Company performed the required limited inspection in a safe and appropriate manner if customers' equipment operates as designed for 48 hours after gas is turned on.
- The non-incident operational period sets a reasonable period of time upon which the customer may bring a claim against the company for any service or testing work performed by the Company on customer equipment.
- The tariff applies to all regulated and non-regulated testing and service work performed by the Company for which the revenues go toward ratemaking purposes and for which the Commission has authorized the Company to perform as Laclede Gas Company pursuant to Section 386.756.7 and 4 CSR 240-40.017(8).
- The tariff provides the same reasonable limitations of the Company's duty to provide continuous gas service as are found in electric company tariffs.
- The tariff contains reporting requirements of the Company to submit annual reports on the results and cost impacts to Staff and OPC and because it is recommended to be approved on an experimental basis for future review.

WHEREFORE, the Staff submits its statements of position as directed and respectfully requests the Commission accept this pleading in response to its Order.

Respectfully submitted,

/s/ Robert S. Berlin

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 2nd day of October 2009.

/s/ Robert S. Berlin