

FILED³

JUL 11 2011

**Missouri Public
Service Commission**

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

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Laclede Gas Company, Laclede Energy Resources, The Laclede Group,
Respondents.

Case No. GC-2011-0098

**APPLICATION FOR LEAVE TO
INTERVENE OUT OF TIME**

Comes now Lera Shemwell (“Applicant”) by and through undersigned counsel and, pursuant to 4 CSR 240-2.075 of the Missouri Public Service Commission (“the Commission”) Rules of Practice and Procedure, applies for leave to file her Application to Intervene more than thirty days after the Commission issued its order giving notice of the case, and as grounds therefor states as follows:

1. Applicant is a Deputy Counsel in the Office of the Chief Staff Counsel of the Commission. However, Applicant files this Application in her own behalf and not in her capacity as Deputy Counsel.

2. On December 12, 2010, more than thirty days after the Commission issued its order giving notice of the case, Respondents injected completely new and unanticipated issues in the case when they filed a “Counterclaim” alleging *inter alia* that Applicant, as a signer to pleadings filed on behalf of Staff, did not have a good faith, non-frivolous argument for the claims presented, was acting unethically in presenting and maintaining claims in various matters

before the Commission, and had filed this and other cases for purposes of harassment and to increase Laclede's cost of litigation, all in violation of Commission Rule 4 CSR 240-2.080(7).

3. Commission Rule 4 CSR 240-2.080(7) is substantially the same as Missouri Supreme Court Rule 55.03(3), a violation of which can subject a licensed attorney to disciplinary action before the Office of Chief Disciplinary Counsel.

4. It was not until May 26, 2011, when the Commission denied Staff's Motion to Dismiss Respondent's Counterclaim, that Staff and Applicant became aware that the Commission intended to allow the new and unanticipated issues to be decided at the evidentiary hearing scheduled for August 9, 2011.

5. Applicant has proceeded expeditiously to consider the impact of the Commission's May 26, 2011, ruling on her right to practice law in the State of Missouri.

6. On July 7, 2011, Applicant joined in a Notice of Substitution of Counsel and discontinued representing the Staff of the Commission ("Staff") in this case.

7. Because of the timing of Respondent's "Counterclaim" and the Commission's ruling thereon, it was impossible for Applicant to file her Application to Intervene within thirty days after the Commission issued its order giving notice of the case.

8. No other party will be prejudiced by the Commission's granting Applicant's request.

9. Notice regarding this application, including service of all notices and orders of this Commission should be directed to:

John D. Landwehr
Cook, Vetter, Doerhoff and Landwehr, P.C.
231 Madison Street
Jefferson City, MO 65101

WHEREFORE, Applicant requests that she be allowed to file her Application to Intervene more than thirty days after the Commission issued its order giving notice of the case, and for such other relief deemed just in the premises.

Respectfully submitted,



John D. Landwehr #29587
COOK, VETTER, DOERHOFF
& LANDWEHR, P.C.
231 Madison Street
Jefferson City, MO 65101
(573) 635-7977
(573) 635-7414 (Facsimile)
jlandwehr@cndl.net


Attorneys for Applicant
Lera Shemwell

Certificate of Service

I, the undersigned, do hereby certify that on this 11th day of July, 2011, a copy of the foregoing document was served upon all interested parties by e-mailing a true copy thereof to:

Office of General Counsel
Lewis Mills
Cully Dale
William J. Niehoff
Michael C. Pendergast
Rick E. Zucker
Mark C. Darrell

GenCounsel@psc.mo.gov
opcservice@ded.mo.gov
cully.dale@psc.mo.gov
wniehoff@mmrltd.com
mpendergast@lacledegas.com
rzucker@lacledegas.com
mdarrell@lacledegas.com


John D. Landwehr