RICHARD S. BROWNLEE III
MICHAEL A. DALLMEYER
DOUGLAS L. VAN CAMP
MICHAEL G. BERRY
JOHN W. KUEBLER
SARA C. MICHAEL
RODNEY D. GRAY
SHANE L. FARROW
KEITH A. WENZEL
KELLIE R. BERTELS
DANIEL W. FOLLETT
CARI D. COLLINS

## HENDREN AND ANDRAE, L.L.C. ATTORNEYS AT LAW

RIVERVIEW OFFICE CENTER
221 BOLIVAR STREET, SUITE 300
P.O. BOX 1069
JEFFERSON CITY, MISSOURI 65102

www.hendrenandrae.com

(573) 636-8135 (573) 636-5226 (Facsimile) HENRY ANDRAE (Retired)

JOHN H. HENDREN (1907-1988) CHARLES H. HOWARD (1925-1970) JOHN E. BURRUSS, JR. (1933-1985) GERALD E. ROARK (1956-1995)

E-MAIL richardb@hendrenandrae.com

July 25, 2003

JUL 2 5 2003

Mr. Dale Hardy Roberts
Executive Secretary
Missouri Public Service Commission
200 Madison Street, PO Box 360
Jefferson City, MO 65102-0360

Missouri Public Service Commission

RE: In the Matter of the Tariff Filing of Laclede Gas Company - Case No. GT-2003-0032 Tariff No. JG-2003-0048

Dear Mr. Roberts:

Enclosed please find the original plus eight (8) copies of a Joint Motion for Expedited Treatment filed on behalf of Laclede Gas Company, Missouri School Boards' Association and Board of Education of the City of St. Louis in the abovecaptioned matter.

If you have any questions concerning the enclosed, please give me a call. Thank you.

Very truly yours,

HENDREN AND ANDRAE, L.L.C.

Richard S. Brownlee, III

RSB\sa
Enclosures
Public Counsel
General Counsel
All Counsel of Record
Melissa Randol
Louie R. Ervin
Robert McWilliams

FILED<sup>3</sup>
JUL 2 5 2003

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Tariff Filing of	)	Case No. GT-2003-0032	
Laclede Gas Company	)	Case 140. G1 2003 0032	

#### JOINT MOTION FOR EXPEDITED TREATMENT

COMES NOW the Missouri School Board's Association ("MSBA"), (the Board of Education of the City of St. Louis) ("BECSTL"), and Laclede Gas Company ("Laclede" or "Company"), and pursuant to 4 CSR 240-2.080(16), files this Motion for Expedited Treatment, and in support thereof states as follows:

- 1. Section 393.310 RSMo Supp. 2002 (the "Statute") required each Missouri gas corporation to file tariffs on or before August 1, 2002, to establish an experimental program that permits participating school districts (known as eligible school entities, or "ESEs") to aggregate their gas purchases. Since Laclede filed its tariff, there has been an ongoing dispute among the parties to this pleading, the Staff of the Missouri Public Service Commission ("Staff") and the Office of Public Counsel ("Public Counsel"), regarding the ESEs' responsibility for the pipeline capacity that Laclede previously reserved for the ESEs. The pipeline capacity issue was presented to the Commission in a hearing held on April 15, 2003, and briefs were submitted on May 5, 2003.
- 2. However, before the Commission issued a decision, Missouri Governor Robert Holden signed legislation on or about June 23, 2003 that amended the Statute. The amendment specifically affected the capacity issue by providing that ESEs shall not be required to be responsible for pipeline capacity charges longer than is required by basic transportation customers, except as mutually agreed by the gas corporation and the

ESEs and approved by the Commission. Laclede's basic transportation customers are not required to purchase pipeline capacity from Laclede. Therefore, Laclede and the MSBA have engaged in negotiations to determine if they could reach a mutual agreement on pipeline capacity.

- 3. Laclede and the MSBA (along with its member organizations, including BECSTL) have reached an agreement on the treatment of pipeline capacity through the end of the experimental program on June 30, 2005. The agreement is reflected in the revisions to Laclede's Experimental School Aggregation Service tariff, Tariff Sheet Nos. 1-a, 41-43 and 45, filed this day with the Commission. The agreement effectively provides that Laclede will release to the ESEs, and the ESEs will purchase from Laclede, pipeline capacity totaling approximately 80% of the capacity reserved for them by Laclede. Although Laclede is entitled to keep the revenues it earns from releases of pipeline capacity, the agreement further provides that Laclede will contribute to the Deferred Purchase Gas Account ("PGA") for the benefit of its customers the proceeds from this release to the ESEs. Finally, the agreement provides that the Company shall not be required to absorb the cost of any pipeline capacity formerly reserved to satisfy the requirements of the ESEs prior to the onset of the program.
- 4. Although the revised tariff sheets contain an effective date of August 28, 2003, the parties, and particularly the MSBA, seek Commission approval of these tariff

<sup>&</sup>lt;sup>1</sup> The substance of the agreement is reflected in paragraphs E and J on First Revised Sheets 42, 43 and 45. Sheets 1-a and 41 are revised merely for housekeeping purposes.

<sup>&</sup>lt;sup>2</sup> Specifically, First Revised Sheet No. 43 provides that the amount of capacity released shall equal during the November through March winter months and during the April through October summer months 135% and 60% respectively, of the average daily consumption of participating ESEs in the peak usage month for each such ESE that occurred during the 24 months ending September 30, 2002.

<sup>&</sup>lt;sup>3</sup> See Section J on First Revised Sheet No. 45.

sheets on or before August 6, 2003. The MSBA needs to know whether the Commission will approve this agreement as soon as possible, in order to make the necessary arrangements to implement the program by the November 1, 2003, commencement of the program year, including obtaining the authority and agreement of school districts to participate in the program, registering such districts with Laclede, and arranging for gas supplies. Specifically, each public school board must provide notice and pass resolutions approving participation in Laclede's school aggregation service, at their respective board meetings, beginning August 1, 2003. The benefit that will accrue if the Commission acts by the desired date is that the MSBA will be in a position to implement the experimental program in Laclede territory, as envisioned by the Missouri legislature.

5. This pleading was filed as soon as it could have been, following the agreement reached by Laclede and the MSBA, and the communication of the agreement to Staff and Public Counsel.

WHEREFORE, for the foregoing reasons, the parties hereto respectfully request that the Commission issue an order approving Laclede's revised tariff sheets 1-a, 41-43 and 45, on or before August 6, 2003.

#### Respectfully submitted,

HENDREN AND ANDRAE, L.L.C.

Kind ) Browler of

Richards S. Brownlee III, #22422 221 Bolivar Street, Suite 300

P.O. Box 1069

Jefferson City, MO 65102

(573) 636-8135

(573) 636-4905 (Facsimile)

Attorneys For MSBA

LACLEDE GAS COMPANY

Michael C. Pendergast, #31763

Vice President-Associate General Counsel

Telephone: (314) 342-0532

E-mail: mpendergast@lacledegas.com

Rick Zucker, #49211

Assistant General Counsel-Regulatory

Telephone: (314) 342-0533

E-mail: rzucker@lacledegas.com

720 Olive Street, Room 1520

St. Louis, MO 63101

Facsimile: (314) 421-1979

BOARD OF EDUCATION CITY OF ST. LOUIS

Robert E. McWilliams MB#24168

Lashly & Baer, P.C. 714 Locust Street St. Louis, MO 63101

Tel: 314-621-2939 Fax: 314-621-6844

Email: remcwill@lashlybaer.com

Attorneys for the Board of Education of the City of St. Louis

### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been mailed or and-delivered to the following on this  $25^{\rm th}$  day of July, 2003:

Office of Public Counsel P.O. Box 7800 Jefferson City MO 65102

General Counsel MO Public Service Commission P.O. Box 360 Jefferson City MO 65102

Richard S. Brownlee, III