

**LACLEDE GAS COMPANY  
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September 23, 2002

**VIA HAND DELIVERY**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, MO 65101

**FILED<sup>3</sup>**

**SEP 23 2002**

**Missouri Public  
Service Commission**

Dear Mr. Roberts:

Enclosed herewith for filing with the Missouri Public Service Commission ("Commission") are the following revised tariff sheets which are applicable to all divisions of Laclede Gas Company ("Company").

P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-h  
P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-i  
P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-j  
P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-k

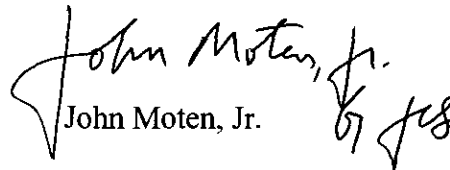
These tariff sheets, which have an issue date of September 23, 2002 and an effective date of October 24, 2002, are being filed to implement a Catch-Up/Keep-Up Program (the "Program") for eligible, low-income customers. The purpose of the Program is to assist eligible, low-income customers, through financial assistance, conservation, and education in managing their energy bills in a manner that will eliminate their arrearages for natural gas service over time, ensure their continued access to natural gas service under manageable terms, and ultimately reduce the level of uncollectibles experienced by the Company for the benefit of all customers.

On September 18, 2002 the Company withdrew the tariff sheets the Company originally filed to implement the Program. As described in more detail in the accompanying motion, the enclosed sheets have been modified to reflect various suggestions the Company received in response to its original filing.

Even though the enclosed sheets bear an effective date of October 24, 2002, the Company requests that such sheets be made effective in less than thirty days on October 15, 2002 for good cause shown as set forth in the accompanying motion.

For the Commission's convenience, I have enclosed three copies of this filing, one of which is for your convenience in acknowledging your receipt thereof.

Sincerely,

  
John Moten, Jr.

Enclosures

cc: Office of the Public Counsel

LAW OFFICES  
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September 23, 2002

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**

SEP 23 2002

**Re: Laclede Gas Company  
Catch-Up/Keep Up Program**

**Missouri Public  
Service Commission**

Dear Mr. Roberts:

Enclosed for filing with the Missouri Public Service Commission ("Commission") on behalf of Laclede Gas Company ("Laclede" or "Company"), please find three (3) copies of the following tariff sheets:

P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-h  
P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-i  
P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-j  
P.S.C. MO. No. 5 Consolidated, Original Sheet No. 28-k

The tariff sheets bear an issue date of September 23, 2002 and an effective date of October 24, 2002. Included is a letter from John Moten, Jr., Laclede's Senior Vice President Operations and Marketing, which, among other things, explains the purpose of the filing.

Also enclosed for filing please find an original and eight (8) copies of Laclede's Verified Motion for Approval of Tariff Filing on Less than Thirty Days' Notice and For Expedited Treatment.

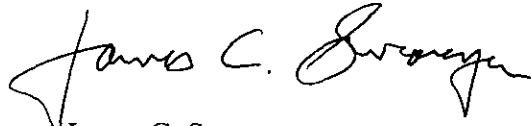
Please note that Attachment 1 to the Verified Motion includes an Affidavit of John Moten, Jr., and a copy of the St. Louis Area Energy Assistance Guide. Attachment 1 also includes an Affidavit of Michael T. Cline, Laclede's Director-Tariff & Rate Administration. Attachment 2 to the Verified Motion consists of copies of pleadings previously filed with the Commission by Laclede and the Commission Staff in Docket No. GT-2003-0064. Attachment 3 to the Verified Motion consists of tariffs now on file with the Commission concerning Laclede's Weatherization Program.

A copy of the subject tariff sheets and Verified Motion with attachments are being provided this date to the Commission's General Counsel and also to the Office of the Public Counsel.

Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Very truly yours,



James C. Swearengen

JCS/lar

Enclosure

cc: Office of the Public Counsel  
General Counsel

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

In the Matter of the Tariff Filing of	)	
Laclede Gas Company to Implement	)	
An Experimental Low Income Assistance	)	Case No.GT-2003-_____
Program called Catch-Up/Keep-Up	)	

**LACLEDE GAS COMPANY'S VERIFIED MOTION FOR  
APPROVAL OF TARIFF FILING ON LESS THAN THIRTY DAYS' NOTICE  
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Laclede Gas Company ("Laclede" or "Company"), pursuant to 4 CSR 240-2.065 and 4 CSR 240-2.080(16) of the Commission's Rules of Practice and Procedure, and in support of its Verified Motion for Approval of Tariff Filing on Less than Thirty Days' Notice and Motion for Expedited Treatment, states as follows:

**Request for October 15, 2002 Effective Date**

1. On September 20, 2002, Laclede filed a tariff (the "New Tariff") proposing a revised version of the "Catch-Up/Keep-Up" program (the "Program") that the Company had initially filed on July 29, 2002 (the "Original Program"), in an effort to implement an assistance program for its low-income customers. With this Motion, Laclede requests that the Commission permit the New Tariff to go into effect on less than 30 days' notice. Specifically, Laclede requests that the Commission approve the New Tariff effective for service on and after October 15, 2002.

2. Consistent with 4 CSR 240-2.080(16), Laclede submits that there is good cause for granting its request that the New Tariff be allowed to go into effect by October 15, 2002. First, because of the advance preparation time required to implement the Program this winter, it is imperative that Laclede know in the very near future whether it will be able to offer this

Program to its customers. Before the Program can be fully implemented, Laclede must still coordinate it with community action agencies, conduct agency and Company outreach efforts to make eligible customers aware of the Program, and make certain modifications to the Company's information systems. Perhaps most importantly, there is an immediate need for the Program as described more fully in the attached affidavit of John Moten (*see* Attachment 1). Specifically, Laclede anticipates that thousands of its low-income customers, who are currently without service, will be seeking to have service restored during the months of October and November. In fact, the amount of customer arrearages being experienced by the Company's residential customers currently exceeds \$18 million, with approximately \$9 million being borne by customers who have already lost service. By any measure, the problem is both great and unsolvable, absent the kind of additional measures that have been proposed by Laclede. Approval and implementation of the Program by October 15, 2002, would greatly enhance Laclede's ability to reconnect such customers by allowing the Company to defer collection of their arrearages (which for many customers can average between \$700 and \$800) pending their participation in the Program and a determination of whether these customers have satisfied the payment obligations of the Program.

3. Second, as discussed more fully below, Laclede has made numerous changes to the Program in an effort to address the specific concerns that were raised by the Commission Staff in its Motion to Suspend or Reject the Company's original tariff filing and the comments it has received from other Parties. In light of these changes, Laclede believes that what started out as a very good program for the customer has been made even better. Laclede further believes that, with these changes, there is no longer any tenable basis for delaying implementation of the Program and that it should therefore be allowed to go into effect on the date proposed herein.

4. Finally, notwithstanding its own beliefs regarding the merits of the Program, Laclede has attempted, with its request for an October 15, 2002 effective date, to provide interested parties with sufficient time to respond to the New Tariff filing in the event they continue to have concerns. Indeed, given the discussions that have already been held regarding the Program, the familiarity of Staff and Public Counsel with the contents of the New Tariff, and the information that has been submitted by the Company both previously and in connection with this latest filing, Laclede believes that this time frame should be more than adequate for this purpose.<sup>1</sup> For all of these reasons, as well as those discussed below, Laclede submits that approval of its request will provide critically needed benefits to its low-income customers, avoid the harm that would otherwise occur if the Company is not provided the means necessary to offer the Program in the very near future, and serve the interest of its remaining customers. Such request should therefore be granted.

#### **The Original Program**

5. As originally filed, the Program was designed to benefit low-income customers in three key ways. First, it would have allowed the customer to obtain, or continue to receive, utility service at a levelized, affordable rate equal to 1/12 of their annual charges for gas service, net of any available grants from other sources. Such payment terms were significantly more favorable than those mandated under the Commission's Cold Weather Rule directly because the availability of Program funds made it possible, among other things, to exclude any arrearages in the determination of the customer's payment obligation. Second, it would have provided the customer with the ability to work off these arrearages if the customer establishes a practice of making his or her reduced payment obligations on a timely basis and agrees to implement cost

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<sup>1</sup> Pursuant to 4 CSR 240-2.080(16), Laclede filed this Motion as soon as possible after concluding its discussions with the other parties and making final revisions to its tariff.

free, self-help conservation measures. The ultimate goal of these measures was to provide the customer with the means as well as the incentive to "break the cycle" of missed payments and service interruptions that impose costs on both the customer and the utility and the kind of stress that results from a chronic uncertainty over whether service will be available. Finally, the Program provided the Company with an incentive to extract and maintain the greatest level of pipeline discounts possible from its out-of-state pipeline suppliers on behalf of such customers.

6. At the same time, the Program was also designed to benefit the Company's other customers in three major ways. First, it encouraged the kind of positive changes in the payment and energy conservation practices of the Company's most vulnerable customers that, over the longer term, can reduce the level of uncollectible and collection expenses that would otherwise be reflected in the Company's cost of service. Second, it was structured to ensure that the Company's remaining customers will receive the full benefit of these favorable impacts. It did so by including provisions that safeguard the Company's access to the same amount of federal and state low-income energy assistance that it would otherwise receive in the absence of the Program and by requiring that all funding under the Program be used to benefit natural gas customers of Laclede. Finally, the Program gave the Company an incentive to maximize the level of pipeline discounts to be shared with these customers.

7. As originally structured, the Program was to be funded through 20 percent of the savings achieved by the Company as a result of its ability and success in negotiating discounts from the maximum rates charged by its pipeline suppliers for transportation and storage services. Another 10 percent of such savings were to be retained by the Company, while a full 70 percent of those savings were to be distributed to all of the Company's customers.



### **Concerns Regarding the Original Program**

8. Following the submission of its Original Program, the Staff filed a Motion on August 22, 2002, to Suspend and Reject the Tariff Filing, together with an attached Memorandum, in which it raised several concerns regarding the Program. Specifically, the Staff asserted that the Original Program:

- (a) was similar to the pipeline discount incentive program that Laclede had previously proposed in that by permitting the Company to retain a share of such discounts it would allow Laclede to charge some customers more than the actual cost of service, and use these extra proceeds to help needy customers and reward shareholders;
- (b) would give Laclede an incentive to favor higher FERC tariff pipeline rates in order to increase the amount of the discount available for the Program; and
- (c) may result in an unlawful subsidy of some customers by other customers.

9. In addition to identifying these concerns regarding the Program itself, the Staff also suggested that additional review was necessary because, in the words of Staff, Laclede has “abandon[ed]” its gas purchasing function to an affiliate and that such alleged action may have some application to the Catch-Up/Keep-Up Program. Finally, Staff asserted that the public has requested public hearings, and that Staff itself needs more time to examine the operational details of the Program.

10. In response to these concerns, the Company filed a Response on August 26, 2002, in which it took issue with the concerns raised by Staff. For the Commission’s convenience, a copy of both Staff’s Motion and the Company’s Response are set forth in Attachment 2 to this Motion and incorporated herein for all purposes. Despite its disagreement with the Staff’s contentions, however, the Company indicated in its pleading a willingness to make modifications

to the Original Program in order to get what it believes is a very important initiative up and running. In particular, the Company indicated its willingness to sever the issue of whether it should be allowed to retain 10 percent of the discount savings for its own use and abide by any Commission decision regarding whether such amounts should be used for that purpose or should be used instead to fund the Program. On August 27, 2002, the Commission issued its Order Suspending Tariff in which it stated that while the goal of the Program was "... laudable, the program appears to be designed to guarantee that Laclede retains ten percent of discounts on transportation and storage charges it receives from pipeline suppliers." The Commission also noted in its Order that Staff had not yet had an opportunity to respond to the Company's proposal regarding its retention of a 10 percent share of the discount savings.

#### **The Revised Program**

11. Since the Commission issued its Order, the Company has made numerous revisions to the Program in an effort to address the concerns that were raised by Staff in its Motion as well as incorporate other recommendations and suggestions, while still preserving the beneficial aspects of the Program as described above. As previously noted, the Company believes that these changes have only enhanced the Program from the customer's perspective. And while these revisions have not led to a complete agreement, Laclede appreciates the willingness and efforts of both the Commission Staff and the Office of the Public Counsel to engage in the kind of dialogue that has resulted in such improvements. These revisions to the Original Program include, among others:

##### **A. Elimination of the Company's 10 Percent Share**

12. It is obvious from the both the Staff's earlier Motion and the Commission's Order suspending the previous tariff filed by the Company, that the Company's retention of 10 percent

of the discounts achieved by the Company for its own use was a significant issue and, certainly from Staff's perspective, a problematic one. With its New Tariff Filing, the Company has taken that issue completely off the table by voluntarily eliminating any retention of discount savings for its own use. As a result, under the New Tariff Filing, the entire 30 percent share of discount savings achieved by the Company would be used to fund the Program.

13. In making this revision, Laclede would again note that this Commission has repeatedly approved programs under which gas utilities, including Laclede, were permitted to retain for their exclusive benefit a share of the savings they achieved as a result of their efforts to negotiate discounts from the maximum rates charged by their largely out-of-state pipeline suppliers. See *Re: Missouri Gas Energy's Fixed Commodity Price PGA and Transportation Discount Incentive Mechanism*, Case No. GO-2000-705, Order Approving Stipulation and Agreement (August 1, 2000); *Re: Missouri Gas Energy*, Case No. GR-2001-292, Order Approving Second Revised Stipulation and Agreement (July 5, 2001); *Re: Union Electric Company d/b/a AmerenUE for Authority to Extend its Gas Supply Incentive Plan*, Case No. GT-2001-635, Order Approving Unanimous Stipulation and Agreement; (May 31, 2001). To Laclede's knowledge few, if any, of its customers have ever questioned the appropriateness of such an approach, although the Commission Staff and Public Counsel clearly have on various occasions. By converting the Program to one where all of the savings achieved by the Company as a result of its efforts to negotiate discounts are passed through to customers -- with struggling families and economically vulnerable customers receiving an extra measure of help -- Laclede has attempted to provide a common ground upon which all parties and the Commission can hopefully stand and share the same vision of what is in the public interest.

**B. Elimination of Incentive to Increase Maximum Rates**

14. As previously noted, the Staff expressed the concern that approval of the Program would somehow give Laclede an incentive to agree to higher maximum FERC rates for its pipeline supplies since higher maximum rates would allow the Company to achieve higher discounts and thereby increase its share of discount savings. Laclede strongly disagrees with the notion that it would engage in such activity. Nevertheless, the Company has incorporated in the new Program two features designed to address this concern. The first has already been discussed and involves the elimination of the 10 percent retention amount by the Company -- a revision that obviously eliminates any direct incentive to engage in the kind of activity mentioned by Staff. The second is the addition of a provision that also eliminates any indirect incentive by placing a firm cap of \$6 million on the amount of pipeline savings that may be devoted to the Program. (See Subsection H.2). It should be noted that this capped amount is already below the approximate \$6.7 million in discount savings that would be devoted to the Program in the event Laclede was able to utilize a full 30 percent of its pipeline discounts. As a result, it obviously eliminates any incentive to generate additional discount amounts by somehow fostering an increase in maximum pipeline rates, since such an increase would have no effect on the overall amount of discounts retained for the Program.

**C. Modifications to Address Legal Concerns**

15. In its previous Motion, the Staff also expressed the concern that the Program may involve an improper subsidy of some customers by others in violation of §393.140 RSMo 2000. As shown in Attachment 2, such contentions miss a vital point, namely that the Commission has previously approved, without any legal challenge of any kind, a number of pipeline discount

incentive programs under which utilities were permitted to retain a share of such discount savings. Such programs do not suddenly become unlawful simply because those amounts are being redirected to low-income customers. Such concerns are also inconsistent with Staff's own endorsement of proposals in other proceedings that currently provide, or would have provided, a *direct* rate subsidy to customers based on their income. See Order approving Second Revised Stipulation and Agreement in MGE's rate case proceeding, Case No. GR-2001-292 and the Staff's Testimony in AmerenUE's Complaint proceeding Case No. EC-2002-1, which is attached to the Company's Response in Attachment 2.

16. Nevertheless, to further address this concern, the Company has re-designated the Program as "experimental" in the New Tariff. (See Section H title, and subsection H.1). The Commission and Missouri courts have consistently found that the Commission has broad authority to approval experimental rates for the purpose of acquiring the data necessary to fix just and reasonable rates. See *In the matter of the investigation into all issues concerning the provision of extended area service (EAS) in the State of Missouri under Commission Rule 4 CSR 240-30.030*, 29 Mo. P.S.C.(N.S.) 75, 106 (1987), citing, *State ex rel. Watts Engineering Company v. Missouri Public Service Commission*, 191 S.W. 412 (Mo. banc 1917); *State ex rel. Washington University v. Missouri Public Service Commission*, 272 S.W. 971 (Mo. banc 1925); *State ex rel. City of St. Louis v. Missouri Public Service Commission*, 296 S.W. 790 (Mo. banc 1927); *State ex rel. Campbell Iron Company v. Missouri Public Service Commission*, 296 S.W. 998 (Mo. banc 1927); *State ex rel. McKittrick v. Missouri Public Service Commission*, 175 S.W.2d 857 (Mo. banc 1943); and *State ex rel. Laclede Gas Company v. Missouri Public Service Commission*, 535 S.W.2d 561 (Mo.App. K.C.D. 1976). By

designating the Program as experimental, the Company has brought it squarely within this broad range of Commission discretion.

17. In fact, the Commission has previously used such discretion to approve programs involving Laclede that, from a legal standpoint, are indistinguishable from the Catch-Up/Keep-Up Program. As previously discussed, the funding aspects of the Program are solidly rooted in previous pipeline discount programs that have been approved by the Commission over the years for gas utilities, both as a part of general rate case proceedings and outside of general rate case proceedings. The low-income grant aspects of the Program are equally indistinguishable from programs that have previously been approved by the Commission, such as the Company's current weatherization program. Like the Catch-Up/Keep-Up Program, this tariffed weatherization program (*see* Attachment 3 to this Motion) provides monetary grants to individual customers based on their eligibility for assistance under low-income guidelines. Indeed, the only material difference between this Program and the weatherization program is that the individual monetary grants made under the latter are generally significantly greater (up to \$3,000 per eligible customer) than the grants that are likely to be made under the Catch-Up/Keep-Up Program. In short, there is not a *single* feature of the Catch-Up/Keep-Up Program that has not previously been approved by the Commission in one form or another, and the addition of an experimental designation to the tariff should give the Commission equal flexibility to approve such features in this case.

**D. Operational Details**

18. In addition to these more overarching changes, the Company has also made a host of other revisions to the Program in response to various concerns and recommendations regarding the operational details of the Program. Among other changes, Laclede has:

(i) added a provision clarifying that customers will not be automatically disqualified from the program if their failure to meet required payment obligations is due to extenuating circumstances (*see* Subsection H.1 and Subparagraph c of Subsection H.3);

(ii) added a provision specifying that any contracts required to administer the Program will be subject to review by the Staff and the Office of the Public Counsel (*see* Subsection H.3);

(iii) added a provision committing the Company, to the extent reasonably practical and requested by the customer, to offer customers on the Program a delayed payment date if required to accommodate when the customer receives a monthly income check (*see* Subparagraph d of Subsection H.3);

(iv) added a provision specifically limiting the third-party administrative costs of the Program for customer outreach, bill payment counseling, conservation and weatherization expenses, etc. to \$600,000, and further providing that the allocation of such expenses between these activities will be subject to subsequent discussions between the Company, Staff, Public Counsel and the Department of Natural Resources and recommendations to the Commission (*see* Subparagraph e of Subsection H.3);

(v) added language specifically requiring that all funds received for the Program be placed in a separate Escrow Account and providing that such funds, together with all interest, net of taxes, earned on those funds, be used solely for the purposes permitted under the Program (*see* Subsection H.2); and

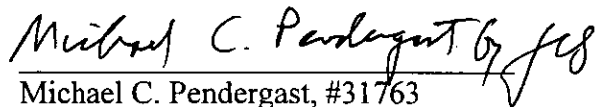
(vi) added language specifying that any unused and uncommitted funds under the Program will be flowed through to all firm sales customers through the PGA Clause should the Program be terminated. (*See* Subparagraph g. of Subsection H.3).

### Conclusion

20. In conclusion, the Company has made every effort to take a good Program and make it better, to listen and respond constructively to the input of other parties, and to make the kind of concessions that should convince the Commission and other parties that the Program is in the public interest and very much worth pursuing. Even with these changes, the Program is not perfect and, like every other program ever devised, never will be. It does, however, combine in an innovative way the features of programs that have previously been approved by the Commission with the suggestions of other stakeholders, in an effort to provide needed assistance to the Company's most vulnerable customers and provide long-term benefits to the Company's other customers. In view of these considerations, Laclede believes there is good cause for approving the New Tariff on less than thirty days' notice and for granting the Company's request for such expedited treatment.

WHEREFORE, for the foregoing reasons, Laclede Gas Company respectfully requests that the Commission issue its Order approving the New Tariff and granting the Company's Motion as requested herein.

Respectfully Submitted,



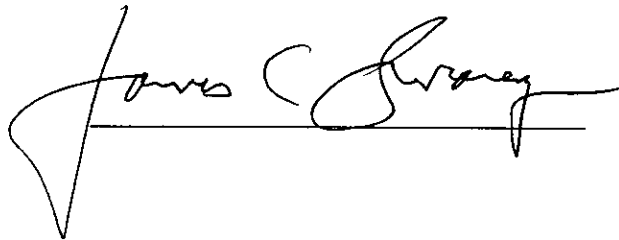
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**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing document was either hand delivered or placed with the U.S. Postal Service, first class postage prepaid, this 23<sup>rd</sup> day of September, 2001, to the Office of the General Counsel and Office of the Public Counsel.

A handwritten signature in black ink, appearing to read "James C. Shroy", is written over a horizontal line.

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

In the Matter of the Tariff Filing of                     )  
Laclede Gas Company to Implement                     )  
An Experimental Low Income Assistance                     )     Case No.GT-2003-\_\_\_\_\_  
Program called Catch-Up/Keep-Up                     )

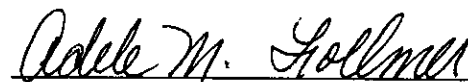
**VERIFICATION**

STATE OF MISSOURI             )  
   ) ss  
CITY OF ST. LOUIS             )

I, Michael C. Pendergast, having been duly sworn upon my oath, state that I am Vice President and Associate General Counsel for Laclede Gas Company, that I also serve as an attorney for Laclede Gas Company, that I am duly authorized to make this verification on behalf of Laclede Gas Company and that the matters set forth in the foregoing Verified Motion for Approval of Tariff Filing on Less than Thirty Days' Notice and Motion for Expedited Treatment are true and correct to the best of my information, knowledge and belief.

  
Michael C. Pendergast

Subscribed and sworn before me this 20<sup>th</sup> day of September, 2002.

  
Notary Public

ADELE M. FOLLMER  
Notary Public — Notary Seal  
STATE OF MISSOURI  
Jefferson County  
My Commission Expires: June 11, 2004