

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of)	
)	
USW Local 11-6,)	GC-2006-0390
)	
and)	
)	
Laclede Gas Company)	

MOTION TO STRIKE TESTIMONY

Comes now USW Local 11-6 and requests for the reasons set forth below that the Commission strike portions of the Supplemental Rebuttal Testimony of Patrick A. Seamands and of the Affidavit of Patrick A. Seamands, attached as Exhibit 1 to Laclede's Opposition to Local 11-6's Motion for Immediate Relief:

1. Both of the above documents reference interviews of the Salerno and Mackenzie Cellnet installers conducted by Laclede Staff. The Supplemental Rebuttal Testimony of Patrick A. Seamands makes these references at:

- p. 2 line 21-22
- p. 4 line 17 through p. 5 line 16
- p. 5 line 21 through p. 6 line 2
- p. 6 line 9 through p. 7 line 9
- p. 10 line 15 through p. 12 line 6
- p. 17 line 22 through p. 18 line 2

Moreover, the Affidavit of Patrick A. Seamands makes these references at ¶¶ 4, 6, 7, and 10.

2. Instead of submitting separate written testimony for each installer, Laclede has only summarized their words in substantial detail in the testimony of Dr. Seamands. However, Dr. Seamands' testimony fails to mention either installer's name, and Laclede has

not listed either installer as a rebuttal witness. Therefore, Local 11-6 assumes that Laclede will not call either installer as witnesses at the hearings on this matter.

3. Dr. Seamands' summary of the interviews with the installers constitutes hearsay without reason or exception. These individuals are clearly available to Laclede, but it has made no apparent attempt to submit their testimony in rebuttal. Laclede's actions have made it impossible for Local 11-6 to cross examine either installer. This is unacceptable, considering that both installers are under Laclede's control.

4. Despite the fact that the Motion for Immediate Interim Relief has already been ruled upon, the Motion to Strike portions of the Affidavit of Patrick A. Seamands should not be denied as moot because it is substantially similar to the Supplemental Rebuttal Testimony and will likely be relied on by Laclede in future proceedings on this matter.

Wherefore, USW 11-6 respectfully requests the PSC strike the above-mentioned portions of the Supplemental Rebuttal Testimony of Patrick A. Seamands and Affidavit of Patrick A. Seamands.

Respectfully submitted,

/s/ Sherrie A. Schroder

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on February 2, 2007, by United States mail, hand-deliver, email, or facsimile upon:

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