

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
v.)	Case No. GC-2011-0098
)	
Laclede Gas Company,)	
Respondent.)	

**LACLEDE GAS COMPANY’S LIMITED CONCURRENCE IN LIST OF ISSUES,
ORDER OF WITNESSES, ORDER OF CROSS-EXAMINATION,
AND ORDER OF OPENING STATEMENTS**

COMES NOW Laclede Gas Company (“Laclede” or “Company”) and in support of its Limited Concurrence in List of Issues, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements in the above captioned proceeding, states as follows:

1. Laclede, Staff and the Office of Public Counsel (OPC) were able to reach agreement on all aspects of the List of Issues presented in this proceeding, with only a few exceptions.
2. First, it is Laclede’s position that Issue 1, as identified in the pleading filed today by Staff and OPC, should be limited to whether Laclede’s CAM violates the pricing standards of the Affiliate Transactions Rules by not including a reference to fully distributed cost (FDC) in the pricing provisions for certain energy-related transactions. Laclede takes this position since it is this alleged failure that has formed the basis of Staff’s complaint in this proceeding. Unfortunately, the other parties were apparently unwilling to agree to be bound to the specific position that Staff has consistently

articulated on this issue – a result that jeopardizes Laclede’s due process right to be fairly advised of the allegations being made against it.

3. Second, Laclede believes that the word “allegedly” should be inserted before the word “failing” on both issues 2 and 3 so there is no misunderstanding on whether Laclede is agreeing to the accuracy of the factual representations that follow. A version of the List of Issues showing Laclede’s underlined additions to the pleading filed by Staff and OPC is presented below.

List of Issues

STAFF COMPLAINT

1. Does Laclede’s Cost Allocation Manual (CAM) violate the pricing standards of the Affiliate Transaction Rules by not including a reference to fully distributed cost (FDC) in the pricing provisions for certain energy-related transactions.
2. Has Laclede violated the Affiliate Transaction Rules by allegedly failing to request Commission approval of its CAM?
3. Has Laclede violated the Affiliate Transaction Rules by allegedly failing to submit its CAM to Staff on an annual basis?

LACLEDE COUNTERCLAIM

1. Has Staff violated Commission Rule 4 CSR 240-2.080(7)?
4. Laclede concurs in all other respects with the Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements submitted by Staff and OPC on this same date.

WHEREFORE, Laclede Gas Company respectfully requests that the Commission issue its order adopting the List of Issues as set forth above, and further adopting the order of witnesses, order of cross-examination and order of opening statements as set forth in the pleading filed jointly today by Staff and OPC.

Respectfully submitted,

/s/ Michael C. Pendergast

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ATTORNEYS FOR LACLEDE GAS
COMPANY

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the parties to this case on this 19th day of May, 2011, by hand-delivery, e-mail, fax, or by United States mail, postage prepaid.

/s/ Rick Zucker