

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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

MOTION TO SUBMIT TESTIMONY BY DEPOSITION

COMES NOW USW Local 11-6 ("Local 11-6"), by counsel, and hereby files its Motion to Submit Testimony by Deposition. In support of this Motion, Local 11-6 states as follows:

1. Local 11-6 requested, and was granted, a subpoena for Mike Tracey to testify at the hearing continuation scheduled for February 14, 2007. Mr. Tracey is the Maintenance Supervisor for the customer that was involved in the gas-related incident about which Local 11-6 submitted the testimony of Laclede service employee Jim Johnson.

2. Laclede requested, and was granted, a deposition subpoena for Mike Tracey. On February 7, 2007, Laclede deposed Mr. Tracey. All parties were invited to attend, and Local 11-6, the Staff, and Laclede all participated in questioning of the witness. Accordingly, no party is unfairly surprised by the contents of Mr. Tracey's testimony.

3. Mr. Tracey represents the unique viewpoint of a customer at an address where a serious leak occurred. And as the Maintenance Supervisor, he is responsible for the equipment in question. For these reasons, Local 11-6 feels that the Commission would be interested to hear his testimony.

4. There are currently nine witnesses scheduled to testify on February 14, 2007. In addition, Local 11-6 has served trial subpoenas on Mr. Tracey and on another customer, Sheila

Thomasson, and anticipates requesting leave to permit them to testify in rebuttal. If Mr. Tracey were to testify in person or by telephone, it is unlikely that the parties would be able to conclude the hearing on February 14, 2007.

5. In order to facilitate completeness of the record, the timely conclusion of the hearing in this matter, and Mr. Tracey's work schedule, Local 11-6 hereby seeks leave to submit Mr. Tracey's deposition into evidence.

6. Laclede opposes the admission of Mr. Tracey's deposition into evidence. Although Local 11-6 has requested the position of the Staff and OPC about this matter, it has not received a reply, so it assumes that they also object to the admission of Mr. Tracey's deposition into evidence.

WHEREFORE, Local 11-6 respectfully requests that the Commission grant its Motion to Submit Testimony by Deposition.

Respectfully submitted,

/s/ Sherrie A. Schroder

SHERRIE A. SCHRODER, MBN 40949

JANINE M. MARTIN, MBN 46465

HAMMOND, SHINNERS, TURCOTTE

LARREW AND YOUNG, P.C.

7730 Carondelet Avenue, Suite 200

St. Louis, Missouri 63105

(314) 727-1015 (Telephone)

(314) 727-6804 (Fax)

saschroder@hstly.com (E-mail)

jmartin@hstly.com (E-mail)

Attorneys for USW Local 11-6

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on February 12, 2007, by United States mail, hand-deliver, email, or facsimile upon:

General Counsel Office
Missouri Public Service Commission
GenCounsel@psc.mo.gov

Lewis Mills
Office of Public Counsel
opcservice@ded.mo.gov

Marc Poston
Office of Public Counsel
marc.poston@ded.mo.gov

Robert Franson
Missouri Public Service Commission
robert.franson@psc.mo.gov

Michael C. Pendergast
Vice President – Associate General
Counsel of Laclede Gas Company
mpendergast@lacledegas.com

Rick Zucker
Laclede Gas Company
rzucker@lacledegas.com

/s/ Sherrie A. Schroder
