

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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

**MOTION TO FILE TESTIMONY OUT OF TIME ABOUT NEWLY DISCOVERED  
DRILL-THROUGH AND MAJOR LEAK**

Comes now USW 11-6 (“Local 11-6”) and moves the Commission for leave to file testimony about recently discovered instances in which a Manpower installer either drilled through a meter during AMR installation or caused a major leak when returning due to a high bill complaint. In support thereof, Local 11-6 states as follows:

1. In its initial written testimony filed in this matter, Local 11-6 presented testimony about, *inter alia*, two potentially highly dangerous incidents in which meters were drilled through by AMR installers hired by Honeywell through Manpower.

2. Laclede Gas Company (“Laclede”) has admitted that one of these occurred, but claims that it put a stop to the practice immediately thereafter, in January 2006.

3. In the last few weeks, Local 11-6 learned about an additional similar incident involving a meter that was drilled through by a Manpower installer many months after the practice was allegedly discontinued, on November 9, 2006<sup>1</sup>, well after Local 11-6’s deadline to file both direct and surrebuttal testimony.

4. In addition, Local 11-6 just learned about an instance in which Cellnet sent an employee to make an adjustment to a previously-installed AMR device on an inside meter

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<sup>1</sup> Forced by Local 11-6 to acknowledge this incident, Laclede has admitted to the incident’s occurrence through its opening remarks to the Commission.

relating to a high bill complaint, and shortly thereafter the customer called Laclede to report a gas odor. When the service employee arrived, he had to shut off the gas and vent the house. The customer subsequently went to the hospital.

5. In civil litigation, such new information could be presented in live testimony of a party's case in chief and thereafter, subject to cross-examination, redirect examination and rebuttal. The technical procedures of the Commission do not appear to allow such flexibility.

6. However, the purpose of Commission complaint proceedings — to discover and investigate potential violations of regulations by a utility company — supports full disclosure of relevant information, especially where, as here, that information is newly discovered through no fault of the party presenting it.

7. The advisability of permitting supplemental testimony of this sort is further supported by two additional factors:

- a. This complaint proceeding alleges problems with the safe and adequate provision of natural gas service to the public, making it all the more important that the record be complete; and
- b. The installation practice being challenged is still ongoing, making it impossible to fully depict the events at issue by freezing them in time through pre-filed written testimony.

8. Filing of the requested testimony should not delay this proceeding, since the matter has already been continued for a third day of hearing in mid-February. Indeed, the presentation of written testimony on these incidents should lessen the likelihood of lengthy rebuttal testimony by Local 11-6.

9. In addition, filing of the requested testimony should not prejudice any party, but rather offer them a more complete opportunity to investigate the incidents in question and prepare a response.

For the reasons stated above, Local 11-6 seeks leave to file written testimony out of time pertaining to newly discovered incidents of drill-throughs by AMR installers. Specifically, Local 11-6 requests that it be given leave to file the testimony by January 8, 2007.

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 December 21, 2006, by United States mail, hand-deliver, email, or facsimile upon:

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