

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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

MOTION FOR IMMEDIATE INTERIM RELIEF PURSUANT TO R.S. MO. §386.310.1

Comes now complainant, USW Local 11-6 (“Local 11-6”), pursuant to R.S. Mo. §386.310.1, and requests immediate interim relief consisting of hazard inspections (described below) to be performed on meters installed with an automated meter reading (“AMR”) device. This relief will last until the issuance of a final decision in this matter. In support of this motion, Local 11-6 states and avers as follows, and further directs the Commission to the prior testimony in this matter and to the concurrently-filed Affidavits of Mark Boyle and Jim Johnson.

BRIEF STATEMENT OF FACTS

Local 11-6 brought this complaint concerning the unsafe and inadequate manner in which Laclede Gas Company (“Laclede”) is implementing the installation of AMR devices on gas meters. Specifically, Local 11-6 has challenged Laclede’s use of Manpower labor supervised by Honeywell Corporation, a subcontractor of Laclede’s subcontractor, Cellnet Technology, Inc. to install the devices. Manpower employees are not required to have any experience working around gas and are not adequately trained or equipped to handle gas emergencies.

Hearings in this matter were held on December 11-12, 2006, and the case was continued for further hearing on February 14, 2007. As elucidated at the hearing, the installation of AMR devices by Manpower subcontractors have resulted in numerous safety hazards, including the

drilling through of meters by installers. Unsurprisingly, these hazards have continued to occur after Local 11-6's deadline to file written testimony and even after the conclusion of the initial hearings. Two such post-evidentiary incidents are described below:

On Thursday, November 9, 2006, a Manpower employee installed an AMR device at ** **, where a business called ** ** is located. This business is a non-profit workplace for developmentally disabled people, such as individuals with Down Syndrome.

The next day, ** **, the business' maintenance supervisor, called Laclede because he smelled a strong gas odor. Laclede service employee Jim Johnson was dispatched to the scene. Mr. Johnson received a 25% gas reading in the air surrounding the AMR device. Because service employees are not trained to work on industrial meters, Meter Shop Superintendent Elgin Manalang was called out and supervised Mr. Johnson's inspection of the meter. They discovered that the screws securing the AMR device and meter dial had penetrated the body of the meter. Superintendent Manalang then directed Mr. Johnson to perform a temporary repair. Later, a permanent repair was performed.

Superintendent Manalang stated that the leak was so pervasive that the installer must have known he had caused a leak. However, the installer never called in any leak. Had the meter been installed at the very end of the work week, then the leak might have been discovered by fire or explosion, rather than by the fortuitous intervention of the maintenance supervisor.

Additionally, on December 19, 2006 a subcontractor arrived at ** ** to investigate the erratic reading of an AMR device. After examining the device, the subcontractor asked to borrow a screwdriver from the customers, a husband and wife named ** **. Eventually, he told the customers he did not have the proper

tools to complete the job. The wife told the subcontractor that she smelled gas, but he downplayed her observation, stating that the smell was merely normal leakage from the meter faceplate. The customers had not smelled gas before the subcontractor had arrived.

Eventually, the smell of gas became so great that the husband called Laclede. At around 10:10 a.m., SAID employee Mark Boyle arrived at the scene. He smelled gas immediately upon entry, and received a 1.5% gas reading in the open air (constituting a “very serious” situation according to Laclede’s policies). The wife became so ill from gas exposure that she was vomiting and convulsing on the couch.

Mr. Boyle discovered that gas was blowing out of a union in the piping near the meter and repaired the leak. He immediately turned off the gas, vented the house, and called his supervisor to witness the leak. After his supervisor arrived, Mr. Boyle then repaired the leak. Eventually, the fire department, police, and ambulance were all called to the scene. The customers went to the hospital to be treated for gas exposure. If the leak had gone unrepaired for much longer, the house could have exploded.

ARGUMENT

R.S. Mo. §386.310.1 provides that the Commission:

may waive the requirements for notice and hearing and provide for expeditious issuance of an order [regarding safety and health of the public or employees] in any case in which the commission determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property, provided that the commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order.

Local 11-6 contends that installation and maintenance of AMR devices by nonprofessionals meets the tests set forth in the statute for immediate interim remedial action.

The evidence already presented, and both instances described above, show that the actions of Manpower, Honeywell, and Cellnet subcontractors have, and continue to, endanger the

lives of Laclede customers. Several times, including the drill-throughs attested to by Mr. Boyle and Pat White in pre-filed testimony and at the hearing, disaster was narrowly averted. In order to prevent future hazards from occurring, it is imperative that the following interim relief be immediately granted:

1. Laclede shall promptly create a special internal control number for all AMR problems that occur between the granting of this Motion and the final decision in this matter;

2. Laclede shall use trained gasworkers to inspect every meter that is equipped with an AMR device at the rate of 80,000 meters per month. This inspection will include at a minimum, a hazard survey that covers the following: leak inspection, check for DR, check for erratic dial, and visual corrosion inspection. This inspection can be combined with any work order for a meter, any corrosion inspection or any leak inspection. Laclede will commit to fixing any leaks, DRs, erratic dials. This inspection shall begin as soon as this Motion is granted and end when a final decision in this matter is reached.

3. For each of the above inspections that are performed, Laclede will compile a hazard analysis schedule which identifies the address, date of inspection, inspector, results of inspection and corrective activity. Laclede will send a complete copy of the survey to the PSC and to USW 11-6.

4. To address the damages associated with erratic dials on AMR meters, Laclede service employees shall pressure test lines any time they have to shut the lock cock off or turn it on.

Laclede will not be prejudiced by the granting of interim relief because the relief will only last until the Commission has reached a decision in this matter.

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 January 8, 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