

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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

MOTION TO COMPEL DISCOVERY AND TO LIMIT EVIDENCE

Comes now USW Local 11-6 ("Local 11-6") and files this motion to compel discovery from Laclede Gas Company ("Laclede") and to limit evidence that Laclede may try to introduce in this matter. In support thereof, Local 11-6 states as follows:

1. Local 11-6 submitted its initial data requests ("DRs") to Laclede in April, 2006. No response was received.
2. Local 11-6 followed-up with Laclede on June 7, 2006 and again on August 3, August 24, October 25, October 30, and November 9, 2006 in an attempt to obtain complete and accurate responses. Laclede responded in some fashion, but failed to produce critical requested information.
3. Three DRs are at issue:

Data Request 1: Identify and provide all damage reports or other documents relating to residential gas meters that were damaged in any way from January 1, 2005 to date.

Data Request 2: Identify and provide all documents relating to residential gas meters that were repaired in Laclede's meter shop from January 1, 2005 to date.

Data Request 3: State whether Laclede maintains records or reports of complaints by its customers, employees, or others relating to residential gas leaks, and if so,

- 1) describe the form in which such complaints are recorded or reported;
- 2) provide such records or reports from January 1, 2005 to date.

4. Laclede has produced only summary documents in response to both DRs 1 and 2, despite repeated requests for the underlying field documents. Following a separate specific request for CellNet Return from Field Evaluation Forms, which are one such underlying field document, Laclede produced those forms. To date, Laclede has not produced the underlying SAID hazard tickets, SAID work orders, Construction & Maintenance field reports, LDI field reports, meter reader field reports or any meter shop reports for non-AMR meters (the latter being responsive to DR 2).

5. Moreover, with the exception of a self-serving, single-page “meter shop comparison,” the summary information provided by Laclede in response to DRs 1 and 2 has *only* included data about *specific addresses* provided to Laclede by Local 11-6. In other words, in response to the requests, Laclede has provided to Local 11-6 only data about problems that Local 11-6 is already aware of in some form.

6. In response to DR 3, Laclede contends that it is not possible to search its database to identify reports of gas odors or leaks. Therefore, Laclede has provided information only about specific addresses provided to Laclede by Local 11-6. It is incredible that this information is not maintained in a searchable form, particularly as Laclede bears the responsibility of assuring the safe delivery of gas. However, assuming that admission is correct, Laclede has been requested to, and should, permit Local 11-6 to review its customer information system for a sample time period in order that Local 11-6 can cull out the relevant information for the sample time period. Laclede has not agreed to do so.

7. Local 11-6 has satisfied the prerequisites to the filing of this motion through a conference call between its counsel, Laclede's counsel and Judge Dippell that occurred on November 17, 2006. Following that conference, Laclede produced some additional CellNet Return from Field Evaluation Forms and the precursors to those forms. Laclede also provided an explanation of codes used in the summary documents it provided to Local 11-6.

8. Following the discovery conference, by email dated November 22, 2006, Laclede also indicated that it will produce — at some undetermined date — field tickets from May 2006 to date, but *only* the ones corresponding to the *specific addresses* provided to Laclede by Local 11-6. Laclede is the primary and, in many cases, exclusive source of the information relevant to this matter. However, it continues to censor from Local 11-6 any opportunity to review and investigate that data.

9. Finally, in the same email, Laclede responded to the request for the documents relating to residential gas meters that were repaired in Laclede's meter shop from January 1, 2005 to date — which documents should underlie its “meter shop comparison” — by stating that it can “provide fairly quickly a *list* of meters brought to the meter shop due to a reported meter leak, covering the period Feb. 2006 to October 2006. Retrieving information prior to Feb 2006 is also possible, but will take longer.” (emphasis added) Given that Local 11-6 has been seeking this information since April 2006, it is insufficient for Laclede to acknowledge that it has this information, but not produce the information or provide a prompt timeframe in which to do so.

10. Although Laclede provided some additional information following that conference call, Laclede has still failed to provide the information sought through this motion.

WHEREFORE, Local 11-6 requests that the Commission order Laclede to immediately produce the requested information and/or, as a sanction for its discovery abuse, prohibit Laclede

from using its unsupported “meter shop comparison” and related testimony and summary data at the hearing in this matter, and also from using or relying on any other data that is responsive to one of Local 11-6’s DRs but was not provided.

Respectfully submitted,

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on December 1, 2006, by United States mail, hand-deliver, email, or facsimile upon:

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