

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

In the Matter of Laclede Gas Company’s) File No. GR-2017-0215
Request to Increase its Revenues for Gas Service) Tariff No. YG-2017-0195

In the Matter of Laclede Gas Company d/b/a) File No. GR-2017-0216
Missouri Gas Energy’s Request to Increase its) Tariff No. YG-2017-0196
Revenues for Gas Service)

**REPLY OF THE NATIONAL HOUSING TRUST IN
SUPPORT OF ITS APPLICATION TO INTERVENE**

COMES NOW the National Housing Trust (“NHT”), pursuant to 4 CSR 240-2.075 and 240-2.080, submits this reply to Laclede Gas Company’s (“Laclede” or “the Company”) May 31, 2017 Response in Opposition to Applications to Intervene (Response). The Commission should grant NHT’s intervention, as NHT’s participation in these proceedings will serve the public interest. In support thereof, NHT states:

1. The Commission’s April 20, 2017 Order in these cases set the intervention deadline for May 1, 2017. Several parties intervened thereafter, including three parties who filed for intervention after May 1, including the Missouri School Boards’ Association, Environmental Defense Fund (“EDF”), and NHT. On May 31, 2017, Laclede – on behalf of itself and its operating units Laclede Gas and Missouri Gas Energy – filed its Response opposing EDF and NHT’s Applications to Intervene. The Commission has not yet ruled on the intervention motions of EDF and NHT, nor has it responded to Laclede’s opposition. In this Response, NHT echoes the sentiments of EDF and asks that the Commission permit it to intervene in these proceedings for the reasons included below.

2. Laclede states two primary reasons for its opposition to NHT’s Application to Intervene Out of Time. First, Laclede opposes NHT’s motion to intervene because it was “filed well after the May 1, 2017 intervention deadline.” Laclede adds that NHT did not demonstrate good cause, but rather offered an “amorphous” rationale that could be used in virtually any

context. Laclede Response at 1.

3. In fact, NHT did offer good cause for its late Application, one which applies to the particular nature and timing of these specific cases. The Commission's April 20, 2017 order allowed parties 10 days to intervene, rather than the typical 30-day period allowed by 4 CSR 240-2.075(1). Because NHT operates under a specific internal process, NHT needed to obtain approval from multiple personnel and then contract with local in-state counsel. Rather than being an "amorphous" reason for late filing, this is a special reason that applies to this particular context where a shorter intervention timeframe was used.

4. Consumers Council of Missouri's expressed a similar concern with the 10-day intervention period, explaining that it also faces hardships in obtaining internal review under such tight timeframes. Consumer's Council requested that the Commission employ more manageable timeframes to enable greater public interest participation.¹ Greater public interest participation is good cause enough for any request outside of the 10-day time frame. The Commission should reject Laclede's unreasonable position and recognize that the 10-day time frame presents significant obstacles for consumer and environmental organizations.

5. Laclede's second reason for opposing intervention is that NHT did not "cite a cognizable interest that is different from the general public or otherwise sufficient to justify their participation in a utility rate case." Laclede Response at 2. Laclede goes on to argue that many parties to these cases can adequately address NHT's interests, stating that parties have routinely discussed ("in the Energy Efficiency Collaborative and elsewhere") how to promote affordable

¹ See "Application to Intervene by the Consumers Council of Missouri," File Nos. GR-2017-0215 and GR-2017-0216 at 1, n.1 (May 1, 2017) ("Consumers Council managed to file this Application for Intervention within the prescribed 10-day deadline. However, intervention deadlines this short cause a hardship for many organizations and businesses due to the difficulty in responding so quickly. For instance, the Consumers Council Board only meets once a month and thus to receive Board approval for intervention, a special meeting is required. Counsel is not aware of any other state PUC that issues intervention deadlines as short as 10 days. Many state PUCs have no intervention deadline, simply requiring intervenors to accept the procedural schedule as it is upon intervention. A 30-day intervention deadline would make PSC actions more accessible to potential public interest participants.").

housing and create access to efficiency programs for multifamily low-income customers. Laclede Response at 3.

6. We believe Laclede's argument is an inaccurate application of the Commission's rule. 4 CSR 240-2.075(3) states that the Commission may grant a motion to intervene if: "(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; **or** (B) Granting the proposed intervention would serve the public interest." (emphasis added.) While we believe both A and B apply here, either one can justify granting intervention out of time.

7. Laclede fails to show that NHT's interests are suitably represented by other parties, such as Commission Staff, Office of Public Counsel, the Missouri Division of Energy, or the various consumer groups. While many parties may have an interest in the area, there are no other parties so specifically focused on the area of energy efficiency in low-income and multifamily buildings. NHT is not a member of Laclede's Energy Efficiency Collaborative, but if it were it would still not have the same opportunity to present evidence, review confidential information, and contribute to an Order of the Commission; only a general rate proceeding presents such an opportunity. In addition, Laclede's obstructive position neglects to recognize prior orders granting national environmental groups rights to participate in a multitude of proceedings before this Commission.²

8. While Laclede has contended that other parties have addressed the same interests as the NHT, it has once again failed to realize that NHT is proprietarily dedicated to protecting and improving multifamily affordable housing so that low-income individuals and families can live in quality neighborhoods with access to efficient home opportunities. As a leading

² See, e.g., *In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service*, File No. ER-2016-0285 (granting interventions of Sierra Club and NRDC); See also File Nos. ER-2012-0166, ET-2016-0246, and EE-2017-0113.

affordable housing policy institution, NHT works to ensure that low-income renters can benefit from energy efficient homes. NHT has long recognized that keeping energy costs low in multifamily housing is critical to maintaining affordable homes for low-income families. While the other parties that Laclede mentions may have similar modest interest in advancing the same goals that NHT champions, none have the same singular focus and expertise as NHT.

9. Laclede also speculates that NHT's participation will further burden the other parties, who will have to "respond to discovery requests, obtain their consent for any possible settlement of discrete issues (regardless of whether those issues are related to NHT's interests), and otherwise accommodate them as additional parties." Laclede Response at 4.

10. NHT's intervention sufficiently stated that it will accept the record established, along with all orders, schedules and requirements of the Commission in these cases. Because NHT accepts the record as it is, there is no supposed burden that will be placed on the other parties. Laclede's feigning of an added burden, is nothing more than standard procedures that work with a rate case, and are part of the ebb and flow taking place when a utility attempts to raise customer rates.

WHEREFORE, the National Housing Trust respectfully requests that the Commission grant NHT's Application to Intervene Out of Time, and grant NHT the ability to fully participate in these proceedings.

Respectfully Submitted,

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ATTORNEY FOR THE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was mailed, faxed, or emailed to all counsel of record on this 15th day of June, 2017.

/s/ Andrew J. Linhares

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