

ATTORNEY GENERAL OF MISSOURI

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February 3, 2003

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
Governor's Office Building
Madison & E. Capitol
Jefferson City, MO 65101

FILED⁴
FEB 0 3 2003

Missouri Public Service Commission

RE: In the Matter of the Tariff Filing of Laclede Gas Company to Implement a Gas Supply Incentive Plan Called Catch-Up-Keep-Up, Case no. GT-2003-0117, Tariff No. JG-2003-396

Dear Judge Roberts:

Enclosed for filing in the above-referenced case are the original and 8 copies of the response to Laclede Gas's motion for rehearing or reconsideration filed on behalf of the Missouri Department of Natural Resources Energy Center. Thank you for your attention to this matter.

Sincerely

JEREMIAH X

Attorney General

Ronald Molteni

Assistant Attorney General

Enclosures

cc: Judge Ruth

All Parties on the Service List

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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In the Matter of the Tariff Filing of)	FEB 0 3 2003
Laclede Gas Company to Implement a Program called Catch-Up-Keep-Up.)	Case No. GT-2003-0117 Missouri Public Service Commission
	,	- vide commission

MISSOURI DEPARTMENT OF NATURAL RESOURCES RESPONSE TO LACLEDE GAS COMPANY'S MOTION FOR RECONSIDERATION OR REHEARING

The Missouri Department of Natural Resources ("MDNR"), an intervenor in this case, pursuant to the Commission's order dated Friday, January 31, 2003 and received by counsel on Monday, February 3, 2003, responds to Laclede's motion for reconsideration by the Monday, February 3, 2003 4:00 p.m. deadline as follows:

MDNR strongly endorses meaningful weatherization programs. At hearing, Laclede modified the original "weatherization" component of CatchUpKeepUp from a meaningless cosmetic band-aid to one which would provide funding under an existing and meaningful weatherization program.

At the hearing, MDNR moved to suspend the proceedings until Laclede filed a new tariff that would incorporate its welcomed modifications to the program. Laclede objected. It instead submitted a "specimen" tariff that has no legal significance whatsoever. MDNR, accordingly did not withdraw its motion to suspend the proceedings even though it appreciated Laclede's positive movement on the weatherization component of the proposed program. Of course, as the Commission is aware, MDNR's motion was overruled.

Because the tariff pertaining to CatchUpKeepUp is the one on which the commission must act, MDNR regretfully cannot support reconsideration or rehearing.

What needs to take place is Laclede needs to file a new tariff which incorporates all of the changes it made to the program at hearing. Having a collaborative with the parties prior to filing that tariff would help increase the chances that parties would be able to workout their differences on the tariff language and make necessary compromises so that the Commission could lawfully act on a filed tariff that had the best chance of surviving scrutiny. Had Laclede filed the new tariff and the hearings resumed on the new filing, perhaps the process of lawfully approving a workable low income assistance program would be closer.

WHEREFORE, for the foregoing reasons, MDNR regretfully cannot support Laclede's motion, but pledges cooperation to work with the parties should Laclede desire to actually file a tariff that incorporates the many changes proposed to CatchUpKeepUp.

Respectfully Submitted,

RONALD MOLTENI Assistant Attorney General MBE #40946

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, by United States mail, this 3rd day of February, 2003, to:

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