

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 5th
day of April, 1989.

American-National Can Company, et al.,)
)
Complainants,)
)
v.)
)
Laclede Gas Company,)
)
Respondent.)

CASE NO. GC-89-85

In the matter of Laclede Gas Company)
of St. Louis, Missouri for authority)
to file a tariff reflecting a change)
in rates for its customers in)
accordance with the purchased gas)
adjustment clause on file for the)
company.)

CASE NO. GR-89-136

ORDER GRANTING MOTION

On March 20, 1989, Laclede Gas Company (Laclede) filed its objection and motion for protective order regarding the First Data Requests (DRs) directed to Laclede by American-National Can Company, et al. (Complainants). Laclede objects to these First DRs as irrelevant to the matters at issue herein in that they entirely consist of the minimum filing requirements set forth in the Commission's Rule 4 CSR 240-40.070. These requirements must be filed by a utility proposing a general rate increase and they are due sixty (60) days after the effective date of the first order suspending the general rate increase proposed. Purchase Gas Adjustments (PGAs) are specifically exempted from these requirements. Commission's Rule 4 CSR 240-40.070(3).

Laclede argues that the only matter at issue in the complaint portion of this consolidated case is whether Take-or-Pay (TOP) charges can be recovered through Laclede's PGA mechanism. Laclede notes that the particular Take-or-Pay increases

addressed in Case No. GR-89-136 do not constitute a general rate increase, were not suspended and were filed pursuant to its PGA mechanism.

On March 28, 1989, the Complainants filed their response to Laclede's objection and motion for protective order stating that the motion should be denied and Laclede should be directed to respond to the DRs. The Complainants argue that the Take-or-Pay tariffs approved herein on an interim basis subject to refund result in an increase in total revenues for Laclede thereby placing all elements of Laclede's revenue needs at issue. Complainants assert that any other analysis would result in single-issue ratemaking in violation of Section 393.150, RSMo 1986, as interpreted by the case law. Complainants also argue that without the requested information they would be unable to effectively prepare their defense in this case.

The Commission determines that Laclede's motion should be granted as to the First Data Requests in their entirety. This docket does not address a general rate increase for Laclede and all of Complainants' First Data Requests are beyond the scope of these proceedings.

It is, therefore,

ORDERED: 1. That the motion filed herein by Laclede Gas Company for a protective order regarding the First Data Requests propounded to Laclede Gas Company by American-National Can Company, et al., is granted hereby.

ORDERED: 2. That this order shall become effective on the date hereof.

BY THE COMMISSION

Harvey G. Hubbs

Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Mueller,
Hendren, Fischer, and
Rauch, CC., Concur.