

**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 Revenue for Gas Service)

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

**RESPONSE IN OPPOSITION
TO APPLICATIONS TO INTERVENE**

COMES NOW Laclede Gas Company (“Laclede” or “Company”), on behalf of itself and its operating units Laclede Gas (“LAC”) and Missouri Gas Energy (“MGE”), and requests that the Commission deny the applications to intervene filed in the above captioned matters on May 19, 2017, by the Environmental Defense Fund (“EDF”), and on May 22 by the National Housing Trust (“NHT”). In support thereof, Laclede states as follows:

1. First, both applications to intervene were filed well after the May 1, 2017 intervention deadline established by the Commission in these cases. It is difficult to see the justification for seeking to intervene not just days but weeks after the intervention deadline established by the Commission. This is especially true given the fact that at least 8 other parties, including Consumers Council of Missouri; MoGas Pipeline, LLC; USW Local 11-6; the City of St. Joseph; the Missouri Department of Economic Development - Division of Energy; the Missouri Industrial Energy Consumers; the Missouri School Boards’ Association; and the Midwest Energy Consumers Group, all managed to intervene by the established deadline.

2. Nor have EDF or NHT demonstrated good cause for their untimely request as required by 4 CSR 240-2.075 of the Commission’s rules, simply attributing it to an inability to obtain internal approvals, a rationale that is amorphous enough that it could be used under practically any circumstance to justify virtually any kind of delay.

3. Second, and more significantly, neither EDF nor NHT cite a cognizable interest that is different from the general public or otherwise sufficient to justify their participation in a utility rate case. For its part, EDF cites the potential impact of the case on the cost of service to retail customers, including its members. It also cites its interest in the Company's efforts to support energy efficiency and to ensure that the Company's growth strategy, including expansion of gas distribution pipelines, ultimately benefits consumers. (EDF Application, paragraph 4). Amazingly, EDF goes on to assert that such interests "will not or cannot be adequately represented by any other party." Because it is based in Washington D.C. and has never intervened in a Laclede rate proceeding, EDF may simply be unaware of the plethora of parties who already represent and vigorously advocate for these same interests. In terms of the impact of these cases on retail rates, the Commission Staff, Office of Public Counsel, and the attorneys and experts of the various consumer groups provide multiple layers of representation on these matters, as demonstrated by the extensive discovery they routinely perform on the various issues raised by the Company's filings and their intense involvement in all other phases of the litigation process.

4. Many of these same parties are also routinely and significantly involved in matters relating to energy efficiency and the proper role of natural gas in the State's energy infrastructure. In fact, the Missouri Division of Energy, which timely intervened in this proceeding, is a state agency that has been given specific statutory authority to address such issues. As the Division of Energy points out in its application to intervene, it has the "statutory authority to plan for future energy needs and energy resource development; develop, promote, administer and monitor energy conservation programs; consult and cooperate with all state and federal governmental agencies on matters of energy research and development, management,

conservation and distribution; and analyze the potential for increased use of energy alternatives and make recommendations for the expanded use of such alternate energy sources and technologies.” In fact, the Division of Energy, together with representatives of the Company, the Staff, OPC and other parties not only address these energy efficiency issues in rate case proceedings, but for years now have also routinely addressed them between rate cases through their ongoing participation and work in the energy efficiency collaboratives established by the Commission – work that has resulted in the formulation and adoption of numerous policies, programs and measures for advancing energy efficiency goals.

5. These very same parties have also addressed for many years, the interests cited by NHT in its application to intervene. While laudable, its asserted interest in promoting affordable housing and access to energy efficiency measures for low-income customers living in multi-family housing is also an issue that these same parties have routinely discussed and attempted to address in their discussions in the Energy Efficiency Collaborative and elsewhere. For example, as a result of the LAC Collaborative’s work, LAC and Ameren implemented a joint “Residential Direct-Install Low Income Program.” As stated in the tariff governing this program, its purpose is to “deliver long-term natural gas savings and bill reductions to *low income customers who occupy multifamily* and single-family dwelling units within the Laclede Gas service territory. This program is just one example of the focus that existing parties already place on facilitating the goals underlying NHT’s intervention request and any assertion that these considerations are being ignored in the Missouri regulatory process is simply misplaced.

6. In addition, these organizations have other alternatives for expressing their views to the Commission, including participation in one of the multiple public hearings that the Commission will hold in these cases, the potential filing of an Amicus Brief on specific issues, or

even an application for rehearing if they believe that their interests have been adversely affected by the ultimate result reached by the Commission in these cases. For now, however, there is no justification for adding them as parties, and potentially imposing burdens on existing parties, who will have to respond to their discovery requests, obtain their consent for any possible settlement of discrete issues (regardless of whether those issues are related to EDF or NHT's asserted interests) and otherwise accommodate them as additional parties.

7. Finally, Laclede Gas would note that EDF has also filed to intervene and protest in the Federal Energy Regulatory Commission ("FERC") proceeding that is considering the application of Spire STL Pipeline, LLC to build a new pipeline that would serve Laclede and other customers in the St. Louis Metropolitan Area. *See* Docket No. CP17-40-001. Given EDF's request to intervene in the FERC pipeline case, its contemporaneous request to participate for the first time in a Laclede Missouri rate case creates the appearance that EDF is intervening here to use the Missouri case as leverage, rather than because of its sudden concern over the rates of its Missouri members.

8. For all of these reasons, Laclede Gas Company, on behalf of itself, LAC and MGE, respectfully request that the Commission deny the late filed applications to intervene by the Environmental Defense Fund and the National Housing Trust.

Respectfully Submitted,

LACLEDE GAS COMPANY

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Certificate of Service

I hereby certify that copies of the above and foregoing document were sent by electronic mail on this 30th day of May, 2017 to counsel of record.

/s/ Marcia Spangler