

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
September 28, 2000**

**CASE NO: GO-2000-394**

**Office of the Public Counsel**  
P.O. Box 7800  
Jefferson City, MO 65102

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
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**Michael C. Pendergast/Thomas M. Byrne**  
Laclede Gas Company  
720 Olive Street, Room 1520  
St. Louis, MO 63101

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 28th  
day of September, 2000.

In the Matter of Laclede Gas Company's        )  
Experimental Price Stabilization Fund.        )     **Case No. GO-2000-394**

**ORDER GRANTING MOTION TO STAY SETTING OF PROCEDURAL SCHEDULE  
AND APPROVING UNANIMOUS STIPULATION AND AGREEMENT**

On December 29, 1999, the Staff of the Missouri Public Service Commission (Staff) filed a motion requesting that the Commission open a case in connection with the Experimental Price Stabilization Fund (PSP) of Laclede Gas Company (Laclede). Staff stated that opening a case would facilitate Staff in its monitoring of the PSP program. The Commission issued an Order Opening Case and Directing Notice on January 11, 2000.

On July 7, 2000, Laclede filed a Verified Application in which it requested authorization to implement certain temporary revisions to its PSP for the second year of the program. The proposed temporary revisions were designed to provide Laclede with additional flexibility and funds to obtain price protection in the wake of significant and continuing upward pressure in the market price for natural gas.

On July 19, 2000, the Staff filed its response to the Verified Application in which it recommended that the Commission grant only part of the relief requested by Laclede. On July 21, 2000, the Office of the Public Counsel (Public Counsel) also submitted a response. Public Counsel recommended that the Commission reject Laclede's Verified Application and instead instruct the company to comply with the terms of its existing PSP. Laclede filed its reply to these responses on July 25, 2000.

The Commission issued an Order Denying Motion for Expedited Review, Setting Prehearing Conference and Directing Filing of Procedural Schedule on August 1, 2000. In that order, the Commission established a prehearing conference for August 17, 2000.

On August 24, 2000, the parties filed a Joint Motion to Stay Setting of Procedural Schedule, noting that they anticipate filing a Stipulation and Agreement within the next several days. The Commission will grant this request.

On September 1, 2000, the parties filed a Unanimous Stipulation and Agreement (Agreement), which relaxes the PSP's existing requirement that the company procure price protection equal to 70 percent of its flowing supplies. The Agreement states that by permitting Laclede to obtain price protection for lesser volumes, this revision will help to reduce the price at which such protection will be triggered for these volumes. The Agreement further states that since the winter heating season is only slightly more than two months away, it is critical that such revisions be approved as soon as possible. Under the terms of the Agreement, all remaining provisions of the existing PSP currently in effect will remain in full force and effect.

On September 21, 2000, the Staff filed a memorandum in support of the Agreement. Staff notes that after considerable discussion with Laclede, Public Counsel, and Staff, the parties agreed that prompt action was warranted. Staff states that it continues to have concerns about the structure and function of the PSP. Nonetheless, Staff recommends that the Commission approve the Stipulation and Agreement as quickly as possible to provide an agreed-upon additional flexibility to Laclede for this heating season, and until the parties can further address other PSP issues.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity

to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the Agreement.

The Commission has reviewed the Unanimous Stipulation and Agreement, the Staff Suggestions in Support of the Unanimous Stipulation and Agreement, and the official file. The Commission finds that the Unanimous Stipulation and Agreement should be approved.

**IT IS THEREFORE ORDERED:**

1. That the Joint Motion to Stay Setting of Procedural Schedule filed August 24, 2000, is granted.

2. That the Unanimous Stipulation and Agreement filed on September 1, 2000, by Laclede Gas Company, the Staff of the Missouri Public Service Commission, and the Office of the Public Counsel, is approved.

3. That Laclede Gas Company shall file tariff sheets consistent with the approved Unanimous Stipulation and Agreement no later than October 12, 2000.

4. That this order shall become effective on October 8, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Drainer, Murray,  
Schemenauer, and Simmons, CC., concur.

Ruth, Regulatory Law Judge

ALJ/Sec'y: Ruth Pope

Date Circulated 9-25 CASE NO. 90-2000-394

[Signature]  
Lump, Chair

[Signature]  
Drainer, Vice Chair

[Signature]  
Murray, Commissioner

[Signature]  
Schenenauer, Commissioner

[Signature]  
Simmons, Commissioner

9-28  
Agenda Date

Action taken: 5-045  
Must Vote Not Later Than \_\_\_\_\_

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.  
WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 28<sup>th</sup> day of Sept. 2000.

Dale Hardy Roberts  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

