

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

The Staff of the Missouri Public)	
Service Commission,)	
)	
Complainant,)	
v.)	Case No. GC-2016-0149
)	
Missouri Gas Energy, an Operating)	
Unit of Laclede Gas Company,)	
Respondent.)	

**MISSOURI GAS ENERGY’S RESPONSE TO STAFF’S MOTION TO
CONTINUE MGE’S MOTION FOR SUMMARY DETERMINATION**

COMES NOW Missouri Gas Energy (“MGE”), an operating unit of Laclede Gas Company (“Laclede”), and hereby replies to Staff’s motion to continue MGE’s motion for summary determination. In support thereof, MGE states as follows:

1. On December 15, 2015, the Staff filed a complaint against MGE alleging that MGE had issued bills longer than the normal billing period of 26-35 days in connection with MGE’s consolidation of the number of its billing cycles from 21 to 18.
2. On January 19, 2016, MGE filed its answer and motion to dismiss, arguing that Staff had failed to state a claim upon which relief could be granted, because Commission rules permit MGE to issue long bills or short bills when changing billing cycles.
3. On January 29, Staff responded to MGE’s motion to dismiss. Staff argued that it had made allegations sufficient to state a claim upon which relief could be granted.
4. On February 4, MGE replied to Staff’s response. MGE further illustrated precisely why Commission rules allowed MGE to do exactly what the Staff alleged. In the alternative to its motion to dismiss, MGE also requested summary determination, and agreed to the basic facts alleged by Staff.

5. On February 25, Staff filed a motion seeking to extend to April 27, 2016 its response to MGE's motion for summary determination so that Staff can conduct more discovery.

6. While Staff's February 25 filing addressed MGE's alternative motion for summary determination, it did not address MGE's motion to dismiss or give any reason why its complaint should not be dismissed for failing to state a claim. Additional discovery will not change the fact that MGE is legally entitled to issue long bills in connection with billing cycle changes.

7. Although the Staff's complaint should be dismissed on this basis, since Staff has said that it still has questions, and that it may amend its complaint, it would seem to be a more efficient use of time for Staff to proceed with its questions, so that the Commission can consider the disposition of the entire case at one time, rather than dismiss this complaint now, but leave open the potential of another filing later. The additional time should facilitate the Staff's completion of its due diligence on the facts, and may even allow the parties to resolve the case themselves.

8. Accordingly, MGE does not oppose Staff's request to extend its time for response to April 27. However, MGE emphasizes that its motion to dismiss is still pending and that MGE continues to assert that Staff's complaint does not allege a set of facts entitling it to relief because Commission Rule 4 CSR 240-13.020(6) authorizes the Company to issue long bills in connection with changes to its meter reading schedules.

Respectfully submitted,

/s/ Rick Zucker

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ATTORNEY FOR MISSOURI GAS ENERGY

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 26th day of February, 2016 by United States mail, hand-delivery, email, or facsimile.

/s/ Marcia Spangler