

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Office of the Public Counsel, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 Laclede Gas Company, and )  
 Missouri Gas Energy, )  
 )  
 Respondents. )

**Case No. GC-2016-0297**

**SECOND RESPONSE TO APPLICATION  
TO INTERVENE OF MISSOURI INDUSTRIAL ENERGY CONSUMERS  
AND REQUEST TO DENY INTERVENTION**

COME NOW Respondents Laclede Gas Company (“Laclede” or “Company”), including its Laclede Gas (herein so called) operating unit, and Missouri Gas Energy (“MGE”), also an operating unit of Laclede, and submit their Second Response to the Application to Intervene (“Application”) of the Missouri Industrial Energy Consumers (“MIEC”) and Request to Deny Intervention. In support thereof, Respondents state as follows:

1. On April 28, 2016, the Commission issued an order in this case which, among other things, set Friday, May 20, 2016 as the deadline to apply for intervention in this case. Timely applications were filed by the Missouri Energy Consumers Group and the Missouri Division of Energy.

2. MIEC filed its Application on Tuesday, May 31, 2016 in which it asserted, in support of what interest it has for intervening in this proceeding, that it is a Missouri corporation and that its members are large industrial customers of Laclede Gas and Missouri Gas Energy. On June 7, 2016 Laclede filed a Response in which it asked that the Commission defer ruling on MIEC’s Application pending identification by MIEC of the specific industrial customers on

whose behalf MIEC is actually seeking to intervene in this case. In support of its request, Laclede noted that primary factual assertion made by MIEC to justify whether it has a sufficient interest to intervene in this proceeding – namely that it is comprised of members who are industrial customers of Laclede and MGE – appeared to be incorrect as evidenced by MIEC’s own Articles of Incorporation on file with the Missouri Secretary of State. Laclede also noted in contrast to prior proceedings involving Laclede, MIEC had made no effort to identify which, if any, large industrial customers of Laclede Gas and MGE it is actually representing in this proceeding, which industrial customers of Laclede Gas and MGE are represented on MIEC’s Board of Directors or whether and what action such members may have taken to authorize intervention in this proceeding.

3. On June 17, 2016, MIEC filed its Reply to Laclede’s Response. In it, MIEC makes no effort to justify the false representation in its Application that it has members who are industrial customers of Laclede and MGE. Instead of an explanation, MIEC simply states that sometimes they intervene on behalf of industrial customers who it chooses to call “members,” notwithstanding the fact that they are not members according to MIEC’s own Articles of Incorporation. Nor does MIEC identify which industrial customers, if any, of Laclede and MGE authorized it to intervene in this proceeding through whatever procedures MIEC may employ to make such determinations.

4. Instead, MIEC simply states that it has been permitted to intervene in proceedings before without identifying on whose behalf it is doing so and that under 4 CSR 240-2.075(2)(D) of the Commission’s rules it does not have to identify its members. Contrary to its statement, however, MIEC did indeed identify the customers on whose behalf it was intervening in Laclede’s last rate case and, as noted in Laclede’s response, it also identified which customers it was intervening on behalf of in a recent KCPL case, when asked. Moreover, regardless of

whether it is affirmatively required under 4 CSR 240-2.075(2)(D) to identify its members, MIEC still has to demonstrate under Commission Rule 4 CSR 240-2.075(3)(A) that it has a cognizable interest in this proceeding and whether or how that interest differs from that of the general public. MIEC has wholly failed to do so given that the only factual assertion offered by MIEC, namely that it has members, has been shown to be false and MIEC has offered nothing in its place other than the extraordinary claim that it has somehow been given a perpetual license to intervene in any proceeding it chooses regardless of whether it can state an interest. Indeed, MIEC itself is not even a customer of Laclede or MGE and therefore it would seem to have no interest at all in this proceeding.

5. MIEC also points to other parties like AARP and Consumers Council of Missouri for the proposition that it should be allowed to intervene without offering more. There is nothing to suggest, however, that any other intervenor has sought to participate in this proceeding based on factual assertions that are indisputably false, as MIEC has. Moreover, if other parties are to be held to a standard for intervening properly, Laclede would point to the Application to Intervene of the Midwest Energy Consumers' Group (MECG) which, unlike MIEC, not only filed its application to intervene on time but also identified with specificity the Laclede or MGE customers on whose behalf it was intervening.

6. Given all of these considerations, the Commission should deny MIEC's Application to Intervene. In the event this Complaint proceeding moves forward, Respondents should not be required to answer discovery, litigate issues, try and reach potential settlements and otherwise interact with an opaque adversary whose real interests are so vague and undefined. Due process requires more.

WHEREFORE, Respondents respectfully request that the Commission deny MIEC's Application to Intervene in this proceeding.

Respectfully Submitted,

**/s/ Rick Zucker**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the parties of record in this case on this 27th day of June, 2016 by United States mail, hand-delivery, email, or facsimile.

**/s/ Rick Zucker**