

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

In the Matter of Laclede Gas Company's)
Purchased Gas Adjustment for 2004-2005) **Case No. GR-2005-0203**

In the Matter of Laclede Gas Company's)
Purchased Gas Adjustment for 2005-2006) **Case No. GR-2006-0288**

**LACLEDE GAS COMPANY'S MOTION FOR EXPEDITED TREATMENT
AND REQUEST TO HAVE MOTIONS FOR RECONSIDERATION
AND/OR CLARIFICATION PLACED ON THE COMMISSION'S
MAY 21, 2009 AGENDA FOR DECISION**

COMES NOW Laclede Gas Company ("Laclede" or the "Company") pursuant to 4 CSR 240.2.080(16), and in support of its Motion for Expedited Treatment and Request that Motions for Reconsideration and/or Clarification be Placed on the Commission's May 21, 2009 Agenda for Decision, respectfully states as follows:

1. On April 22, 2009, the Commission issued its Order Denying Motion to Compel the production of certain information that Staff had sought from Laclede, most of which related to transactions between its affiliate, Laclede Energy Resources ("LER") and third parties unrelated to Laclede. The Commission's Order had been issued at the conclusion of a lengthy process during which the parties had submitted multiple pleadings, addressed the Commission during a special oral argument, and even submitted proposed orders on the issue of whether the Staff was legally entitled to obtain such information.

2. On May 1, 2009 and May 4, 2009, respectively, the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC") filed Motions for Reconsideration of the Commission's April 22, 2009 Order Denying Motion to Compel. On May 8, 2009, Laclede filed a very brief, two and a half page response to these Motions in which it asserted that neither Staff nor Public Counsel had raised

anything new in their respective pleadings; that all of their arguments had indeed already been presented and considered with a thoroughness that was virtually unprecedented for a discovery issue, and that the Commission should therefore promptly deny such Motions.¹

3. Despite these considerations, no action was taken to place these Motions on the Commission's agenda held on May 13, 2009. Nor has any action been taken to place these matters on the Commission's agenda which is currently scheduled to be held on May 21, 2009. That seemed strange to Laclede since there were relatively few items for Commission consideration on either of these agendas and because Laclede's own recent experience in another case had demonstrated that the Commission can place similar items on the agenda in as little as one business day after they are filed when they raise no new issues. *See Re: Laclede Gas Company*, Case No. GT-2009-0026. Accordingly, Laclede contacted Regulatory Law Judge Jones on May 19, 2009 to inquire when such Motions might be placed on the Commission agenda for decision.

4. Laclede was advised by Judge Jones that no action to place these matters on the Commission's agenda would be taken until Staff filed its Reply to Laclede's Response on May 21, 2009. Laclede respectfully submits that there is no justification for deferring Commission consideration of these motions pending the receipt of yet another Staff pleading that may or may not be forthcoming. First, there is absolutely nothing in the Commission's rules to suggest that either Staff or OPC is entitled to file a reply to Laclede's Response. Indeed, in Case No. GT-2009-0026, the Commission disposed of Laclede's Application for Rehearing before Staff or Public Counsel even responded, much less before Laclede replied to their responses. This suggests that not even

¹Although Laclede filed and served its Response on May 8, 2009, it was not denominated as filed in EFIS until May 11, 2009, apparently because May 8th was being observed as a State holiday.

responsive pleadings are contemplated by the Commission's rules, let alone pleadings that purport to reply to a response. Second, even if the filing of such reply was contemplated, twelve days after Laclede's response in this case, Laclede is unaware of any pleading, email or other communication where either the Staff or OPC has even requested the opportunity to submit one. Certainly, no such pleading or communication has been served on the Company. Accordingly, there is nothing on the record in this case to justify a further deferral of this matter.

5. Finally, Laclede submits that even if a reply to its response was contemplated by the Commission rules, and even if a formal request to submit such a reply had actually been made, there is no basis for concluding that one is either necessary or appropriate. As previously noted, Laclede's response, which was filed in EFIS twelve days ago, is only two and half pages long, and does nothing more than point out how exhaustively all of the issues raised in Staff's and OPC's pleadings have already been addressed. There is no basis stated by Staff and OPC upon which the Commission could grant reconsideration. Under such circumstances, additional pleadings would add nothing to the record that is not already there in excruciating abundance.

6. In fact, the only apparent effect of further deferring the Commission's consideration of these motions would be to potentially ensure that such motions will be acted upon by a different set of commissioners than the ones who have actually reviewed and considered the complex and important legal issues governing this matter. Although Laclede firmly believes that the Commission's April 22, 2009 Order should be reaffirmed regardless of who is reviewing it, the fact remains that each and every one of the current commissioners has presumably spent significant time reviewing multiple pleadings,

attending and participating in the oral argument that was held on this matter (or reading the transcripts of such argument), evaluating the proposed orders submitted by the parties, and discussing the matter during the Commission's agenda meetings. Under such circumstances, Laclede believes that it would be a miscarriage of justice to delay a final decision on this matter so that it can potentially be decided by one or more commissioners who have not lived with this issue for the past six months and mastered its details. To avoid that unnecessary, harmful and wholly improper result, Laclede accordingly requests that the Commission place these Motions for Reconsideration and/or Clarification on its May 21, 2009 Agenda for final determination. Laclede submits that the goal of having such motions ruled upon by the same commissioners who have developed a working and informed knowledge of this matter constitutes all of the good and sufficient cause that may be necessary to take such action.

7. Laclede filed this pleading as soon as it could after discovering that the matter had not been placed on the agenda and ascertaining the reasons why such action had not been taken.

WHEREFORE, Laclede respectfully requests that the Commission grant this Motion for Expedited Treatment and place these matters on its May 21, 2009 Agenda for decision and that the Commission thereupon deny the Motions for Reconsiderations and/or Clarification submitted by Staff and OPC for the reasons stated herein.

Respectfully submitted,

/s/ Michael C. Pendergast

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been duly served upon the General Counsel of the Staff and the Office of the Public Counsel by email or United States mail, postage prepaid, on this 20th day of May, 2009.

/s/ Gerry Lynch

Gerry Lynch