

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

In the matter of	)	
	)	
USW Local 11-6,	)	GC-2006-0390
	)	
and	)	
	)	
Laclede Gas Company	)	

**USW LOCAL 11-6'S POST-HEARING BRIEF**

COMES NOW USW Local 11-6 and submits its Post-Hearing Brief in the above referenced complaint case. USW Local 11-6 incorporates its Pre-Hearing brief and intends this Post-Hearing Brief to supplement and clarify the facts and its arguments as set forth therein.

**DISCUSSION**

Prior to dealing directly with the substantive issue of whether the installation of AMR modules has violated any gas safety law, rule, order, or decision of the Commission, USW Local 11-6 will first address questions raised by both Staff and Laclede in their opening arguments regarding USW Local 11-6's credibility and interest in this matter. USW Local 11-6 will then supplement its arguments regarding safety and adequacy issues connected to AMR installation with hearing testimony and evidence.

**A. CREDIBILITY AND BIAS**

Both Staff and Laclede Gas opened their cases with arguments based not on the safety and adequacy of the AMR installation program but on the alleged dubious credibility of USW Local 11-6 as compared to their alleged impeccable credibility. One of the arguments often made by Laclede is that USW Local 11-6 is simply against AMR

in toto. USW Local 11-6 repeats that it is not against the AMR project; it understands the benefits of the project. However, it is not willing to ignore what it sees as safety related issues connected to the project; USW Local 11-6 believes that ensuring a safe AMR installation, even if it requires some additional time or expense before the system is fully deployed, is in everyone's interest in the long run.

Staff, in its questioning of USW Local 11-6's credibility, focuses on an alleged failure by USW Local 11-6 timely to provide evidence of installation problems, arguing that this untimeliness clearly showed that USW Local 11-6 was not really interested in gas safety. (Tr. 153-155.) Laclede continued in this vein, opening its case with the statement "We are here again using the Commission's time by pretending that a labor management dispute is actually a safety issue." (Tr. 162.) Both argue that USW Local 11-6 is really only interested in the jobs of its members, thereby making its safety arguments regarding AMR installation spurious and unworthy of consideration by this body.

USW Local 11-6 has never denied nor hidden the fact that one of its mandates as a labor organization is to protect its members' jobs; that this fact may cause the PSC to carefully scrutinize the evidence presented by USW Local 11-6 in this case is no more than should be expected. However, USW Local 11-6's institutional interests are not inimical to a concern in the safety of the AMR installation.

In response to Staff's insistence that USW Local 11-6 waited "too long" to raise concerns about safety, USW Local 11-6 states that its members began providing information about problems they were seeing with AMR installation immediately to their supervisors, both orally and through submission of internal forms. (Tr. 526; Ex. 13-NP,

Testimony of Dean Carlton, p. 2, lines 11-16, p. 5, lines 4-5; Ex. 14-NP, Supplemental Testimony of Dean Carlton, p. 1, lines 10-12, p. 4, lines 16-22; Ex. 5-NP, Testimony of Pat White, p. 3-4, lines 20-22, 1-2.) As Dean Carlton testified in his Supplemental Testimony: "I have repeatedly raised these issues about AMR with Laclede management in my role as a Union steward." (Ex. 14-NP, Supplemental Testimony of Dean Carlton, p. 1, lines 10-12, p. 4, lines 16-22.) This is what USW Local 11-6's members are supposed to do. It was only after Laclede failed to make any response to these concerns that some of the members began collecting information and sending it to USW Local 11-6; however, during this collection process, they were still reporting the issues directly to their supervisors and turning in the paperwork required by Laclede. USW Local 11-6 had no way of knowing that Laclede was not maintaining records of these issues; it knew only that Laclede was not engaging in a conversation with USW Local 11-6 about them.

No later than the filing of USW Local 11-6's initial complaint in April, 2006, Staff was on notice that there were at least allegations of problems with the AMR installation. At this point, there was nothing to prevent Staff from doing its job by inquiring of Laclede—who should have the records—about these issues. If lack of specific addresses was really an investigation-stopping issue for Staff, it could have sent a Data Request to USW Local 11-6 for the information; it did not. Staff's suggestion that it could do nothing until USW Local 11-6 provided it specific addresses is no more than Staff attempting to avoid its own obligations. USW Local 11-6 believes this point is strengthened by Staff's continued attempt to focus this case not on the safety issues, but on this timeliness lament. Even if USW Local 11-6 failed in some obligation to earlier

provide to Staff the information it was receiving from its members, the safety issues cannot now simply be ignored. Thus, whether timely or not, the issues raised by USW Local 11-6 must be considered by the Commission on their own merit.

USW Local 11-6 points out additionally that Staff's "surprise" that USW Local 11-6's members, or USW Local 11-6 itself, did not immediately come to it with their issues of concern regarding AMR is misplaced. During his testimony, Robert Leonberger mentioned his surprise that although USW Local 11-6 had contacted him "dozens of times" on issues, it did not contact him about this issue. (Tr. 1002.) That USW Local 11-6 did not immediately turn to Mr. Leonberger with its concerns could mean many things, only one of which is that USW Local 11-6 is not really concerned about safety. USW Local 11-6 will state that Staff had quite clearly taken a "side" in this particular matter and conducted its questioning of USW Local 11-6's witnesses in accordance therewith. USW Local 11-6's experience with the other issues it has recently raised with Staff has been no different. Thus, USW Local 11-6 suggests that any failure to contact Mr. Leonberger, or anyone else from Staff, with its AMR concerns was attributable to a reason other than a lack of concern about safety, e.g. futility.

To the extent the PSC is tempted to scrutinize USW Local 11-6's evidence more heavily due to its interest in maintaining member jobs, the PSC should also take heed of those institutional interests of Staff and Laclede that impact the credibility of their evidence. Although Laclede proclaims its credibility with the slightly altered slogan "just trust the history" of AMR, its institutional interest is evident: it has made a large investment in new technology and it has guaranteed to the public and to the PSC that this new technology is completely safe and will dramatically improve service. In fact, this

improvement in service is of great importance to the utility, which has been subjected to an overwhelming number of complaints associated with billing. Laclede has put all its eggs in the AMR basket and its success is of critical importance. As a result, Laclede's focus may not be on installation issues, which to it, may even seem minor, a problem compounded by its consciously limiting the notice it receives from its contractors of installation problems and by its consciously failing to maintain internal records of problems specific to the AMR installation. It should, therefore, be of little surprise that Laclede still insists, despite evidence to the contrary, that "600,000 [Laclede] customers . . . have already received AMR without incident," (Tr. 163.), nor should it be a surprise that the only evidence of real problems at actual addresses was provided by USW Local 11-6.

Furthermore, Laclede had as its main witnesses the individual charged with the implementation of the AMR project, Dr. Patrick Seamands and the CellNet manager charged with responsibility for the Laclede project, Clark Korbisch. Although USW Local 11-6 does not doubt either man's qualifications for their job, USW Local 11-6 suggests that the testimony of an individual whose career could well be impacted negatively by an implementation marred by safety or adequacy issues has its own built-in bias.

Staff's posture is that it has "no stake in this case," emphasizing its completion of an "independent investigation." (Tr. 153.) This posture glosses over its own failures in this case as well as its integrity, believability, and trustworthiness. Staff passed on performing any "independent investigation" at the outset of AMR installation, relying instead on guarantees and representations from Laclede (which, by the way, was relying

on the same guarantees and representations it was receiving from CellNet.) Staff witness Robert Leonberger's testimony made it evident that Staff largely relied on what it was told by Laclede in regard to installation issues. In fact, in response to questioning from counsel for Staff, Leonberger admitted as much:

Q (Mr. Franson): And isn't it true that as part of your job, you ordinarily contact a company and expect that company to be forthcoming with you with information?

A (Mr. Leonberger): Right.

(Tr. 999.)

Leonberger did not have any indication from outside sources that AMR installation could cause a problem so there was no initial study. He stated that he knew of two other utilities in this state that had gone to automated systems without problem; however, one (MGE) did not use Cell Net and the other (Ameren) had its own personnel install the devices. (Tr. 883.) Once installation began, Leonberger only found out about problems such as leaks, drill-throughs and misalignments causing reading problems from sources other than Laclede, whether USW Local 11-6, the news, or ex parte contact. (Tr. 893, 914.) He learned of the failure rate of the device as well as the industry average failure rate from Laclede, who in turn, got it straight from CellNet without underlying data. (Tr. 897, 899.) His "independent investigation" appears to have consisted of watching 7 or 8 installations by an installer chosen by Laclede; reviewing of servicemen tickets at several addresses where problems occurred; reviewing annual leak records that did not break down leaks caused by or connected with AMR installation; and conversations with Laclede. There were no attempts in response to problems of which he

learned to speak to the actual installer or the Laclede employee who found the problem. (Tr. 922, 947.)

Even after it had reports of problems, Staff dithered. Its attempt to foist blame for its failure to investigate onto USW Local 11-6 is laughable: First, it, and not USW Local 11-6, is tasked by law with the responsibility of ensuring gas safety. Second, the question should not be why USW Local 11-6 did not tell the PSC sooner about problems it was encountering, but why Laclede never did. Third, an investigation requires more than a telephone conversation with Laclede; an insistence on documentation from Laclede might have been a start. As USW Local 11-6's witnesses made clear, when they reported problems associated with installation, it was not just on a piece of paper to their union, but also recorded on their work forms that were turned in to Laclede. (Tr. 529-30.) Staff's refusal to insist Laclede maintain these records in a more searchable/obtainable fashion in order to verify the safety/adequacy of the project is its own failure and reason enough for Staff to have its own stake in a finding that AMR installation is trouble-free.

The bottom line is that, as in most cases presented to the PSC, the parties involved have multiple interests, some less altruistic than others. This piece of information should not be news to the PSC. More productive than arguing about which party's arguments are less believable would be a weighing of the objective facts and evidence introduced by the parties. It is based on these objective facts and evidence that USW Local 11-6 rests its case.

#### **B. THE SAFETY AND ADEQUACY OF AMR INSTALLATION**

In deciding this case, it is important to remember that over the past several years, Laclede has continued to decrease the number of visits it makes to customer homes. Not

very long ago, in Case GC-2006-0060, Laclede obtained a tariff revision to permit remote meter readings to constitute actual meter readings and to permit the discontinuance of service initiation inspections (referred to as "turn on-turns offs" or "TFTOs") where a new account is established, but the flow of gas to the premises is not interrupted. Prior to the tariff revisions, Laclede had to visit the customer's premises to obtain an actual read; the revisions eliminated the need to visit the customer's home to obtain an actual read.

Staff, through its witness Robert Leonberger, attempted to obfuscate this issue in contending that it does not believe there are a fewer number of either turn on/turn offs or read in/read outs.<sup>1</sup> (Tr. 978.) This assertion flies in the face of the entire TFTO case, during which Laclede emphasized the savings in money to it and inconvenience to its customers that would result from Laclede being able to take remote AMR readings when customers changed their residences because Laclede would no longer have to visit the home for a final reading. Leonberger finally acknowledged that during those visits, whether called turn off/turn ons or read in/read outs, an inspection took place, an inspection that no longer occurs because AMR has made it unnecessary for Laclede to visit a customer's home to get these final and initial readings. (Tr. 982.) In fact, in the TFTO case, Laclede acknowledged that in 2005, prior to eliminating TFTOs, Laclede performed about 79,000 TFTOs, TFTOs that no longer need to be performed due to its post-AMR ability to remotely obtain meter readings when customers move or have new

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<sup>1</sup> Although Leonberger kept attempting to draw distinctions based on what he was contending were two separate events—a turn off/turn on as opposed to a read in/read out—USW Local 11-6 notes that in the hearing in the TFTO case, GC-2006-0060, Leonberger was asked by counsel for Laclede Rick Zucker: "And is it your understanding that a read in/read out is the same thing as a TFTO?" Leonberger's answer, in stark contrast to his present testimony, was "That's my understanding, yes." (USW Local 11-6 v. Laclede Gas Co., Case No. GC-2006-0060, Hearing Tr. 422.) (Copy attached.)



service established. (USW Local 11-6 v. Laclede Gas Co., Case No GC-2006-0060, Hearing Tr. 533.) (Copy attached.)

Laclede, however, does not consider the fewer visits to customer premises to be of concern; rather, it assures its customers that if there are any concerns about the AMR installation, “someone from the Union will be by there within less than three years to check on it.”<sup>2</sup> (Tr. 166.) USW Local 11-6 reminds this Commission, however, that it expressed concern about reductions in home-visit inspections in GO-95-320:

The Commission finds that the piping and appliance inspections conducted by Laclede when it turns on the gas supply to a residence provide important opportunities to observe and correct unsafe conditions. . . . The Commission finds that this decline of 20,000 visits [due to a decrease in the number of meters replaced due to the interim variance] will eliminate 20,000 opportunities to observe and remedy potentially unsafe conditions.

PSC Case No. GO-95-320 at 6. The Commission therefore issued a forceful statement recommending “implementation by [Laclede] of a program which recaptures those lost opportunities [to perform piping and appliance inspections when replacing meters every 10 years] elsewhere in Laclede’s safety inspection program.” PSC Case No. GO-95-320 at 6. Robert Leonberger acknowledged that these visits had not subsequently been “recaptured.” (Ex. 30, Deposition Transcript of Robert Leonberger, pp. 62-63.)

USW Local 11-6 concurs with the concern about fewer home visits, particularly as there are at least an additional 79,000 fewer homes being visited on top of the 20,000 fewer due to the variance discussed in GO-95-320. Waiting three years for a safety inspection is insufficient; there are sufficient, known problems associated with the

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<sup>2</sup> Missouri gas regulations only require a leak inspection at the customer’s home once every three years. 4 CSR 240-40.030(13)(M)2.B.

manner in which AMR has been installed as to render this portion of Laclede's service unsafe and/or inadequate in violation of Section 393.130.1 RSMo.

In support of its position, USW Local 11-6 adds the following arguments to those set forth in its Pre-Hearing Brief:

**1. Staff's Interpretation of RSMO Section 393.130.1 Is Too Narrow**

RSMO Section 393.131.1 places a duty upon "every gas corporation . . . [to] furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable." To ensure the provision of safe and adequate service, Section 386.010, RSMo., provides that the Public Service Commission

shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every person, corporation, municipal gas system and public utility to maintain and operate its line, plant, system equipment, apparatus, and premises in such manner as to promote and safeguard the health and safety of its employees, customers and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety and other devices or appliances, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, customers or the public may demand . . . .

Both Staff and Laclede argue repeatedly that there is no violation of these sections because there are no other, more specific regulations in the Code of State Regulations requiring (or prohibiting) any particular action in a case such as this. However, it is clear from a review of the CSR that the regulations addressing safe gas service are "minimum" requirements. See, e.g. 4 CSR 240-40(8), which "prescribes minimum requirements for installing customer meters."

At hearing, it became evident that Staff's assertion that the manner in which AMR has been installed did not violate any gas safety statutes or regulations was based on an incredibly narrow reading of the statutes and regulations mandating safe and adequate service, which ignores that the regulations are only a "minimum." USW Local 11-6 contends that this narrow reading of these authorities is inappropriate. Rather the language should be read not just to permit enforcement of the existing, more detailed regulations setting forth specific unsafe practices, but also to permit regulation of other activity, not already subject to a preexisting regulation, that is found to be inadequate or unsafe. Any other result renders Section 393.130.1 meaningless, a result disfavored under the normal rules of statutory construction.

There is a quite real impact on safety stemming from how the more general "safe and adequate" standard is interpreted that was highlighted in questioning by Commissioners Appling and Gaw of Staff witness Robert Leonberger. Leonberger asserted that "the existing rules [for gas safety] are adequate." (Tr. 975.) However, through questioning by Commissioner Gaw, the contrary became evident: the existing rules do not even specifically address many situations that could impact gas safety at the meter. For example, although Leonberger told Commissioner Gaw that an individual needs "operator qualification" for any meter-related activity that requires turning on or off the gas, he was unable to provide any specific cite for such a rule. (Tr. 985.) Leonberger could not think of any other activity associated with working on a meter that would require operator qualification. More important, Leonberger was able to testify that there are no rules requiring the gas to be turned off when a meter is replaced or when a

drill is used on a meter, both situations in which common sense would indicate that safety requires the same. (Tr. 986-988.)

What Leonberger's testimony demonstrates is that the rule mandating the provision of adequate and safe service should be read not just to mandate enforcement of the more specific gas-safety regulations but also to permit regulation of any practice, even if not subject to its own specific regulation, that could impact safety at the meter. To list them all would be impractical and probably always incomplete. Thus, in contrast to Staff's narrow reading, USW Local 11-6 asserts that it makes more sense to interpret the broader stricture of providing adequate and safe service as a guide for additional enforcement when an inadequate or unsafe practice develops and is brought to the Commission's attention.

## **2. Lack of Sufficient Information Regarding Safety/Adequacy**

USW Local 11-6 also contends that there is a dearth of data from which an informed decision can be made in regard to the safety and adequacy of the AMR installation. USW Local 11-6 asserts that the evidence shows both a failure by either Staff or Laclede to perform any pre-installation investigation as well as an appalling failure to maintain AMR-specific records from which the safety and adequacy of the AMR installation can be assessed. Laclede should not be allowed to put the public at risk without regulation because its willful failure to investigate and maintain records results in this dearth of data. In addition to what USW Local 11-6 argued in its Pre-Hearing Brief at pages 15-17, USW Local 11-6 argues the following on this point:

a. No Investigation Prior to AMR Implementation

It is clear that at the outset of the AMR installation, there was little or no information provided by CellNet to Laclede or Staff about particular safety or adequacy issues associated with CellNet installation of AMR devices on gas meters. It appears from the hearing testimony that Laclede simply relied upon what CellNet was telling it in regard to its success rate and its guarantees of no problems. However, how CellNet could validly make any such guarantees is unclear; both the CellNet and Honeywell witnesses testified that in other such installations, they had not kept records of anything other than module failure rate. See page 16 of USW Local 11-6's Pre-Hearing Brief. Furthermore, even this "statistic" was not particularly meaningful: despite repeated assertions by witnesses for CellNet, Laclede and Staff that the local failure rate of the AMR module is less than 2% and thus, is in line with the industry average, CellNet never provided any underlying data to Laclede to support this rate. (Tr. 302.) This "less than 2%" assertion is just a phrase used by CellNet and in turn, adopted without support by Laclede and Staff.

Both Staff and Laclede also supported their position that no pre-implementation investigation need be done with statements such as "over 1 million such devices installed in Missouri" and "over 3 million such devices installed countrywide" to demonstrate AMRs safety record. However, these statements are misleading. In Missouri, only two utilities had previously installed AMR-type devices on gas meters: Ameren and MGE. Ameren, however, used its own trained employees to do the installation and MGE used a non-CellNet AMR device. (Tr. 882-883) Furthermore, the other 2 or so million AMR

devices installed around the country in gas meters were all in only 2 localities: parts of Wisconsin and parts of Texas.

However, neither Cellnet, Laclede nor Staff presented any testimony about AMR installation in these localities other than to state that no fires, explosions, or injuries to customers have resulted from these installations. It appears the only investigation done by Staff was well after-the-fact of AMR installation; indeed it appears to have taken place subsequent to Laclede providing a spreadsheet of data during discovery in this matter. (Tr. 1000.) At that time, Leonberger obtained from Laclede the underlying data relating to AMR-related issues specifically identified by USW Local 11-6, i.e. servicemen's tickets, from the spreadsheet and compared the underlying data to the spreadsheet. However, in that the underlying data was what Laclede used to prepare the spreadsheet, it is really no surprise that Staff found a match. (Tr. 1000.)

Staff witness Leonberger acknowledged that he did not contact anyone in any Wisconsin or Texas utilities about their AMR experience. (Tr. 948.) Thus, neither Laclede nor Staff had any information about issues short of fires or explosions that may have arisen, even though testimony at hearing by two Wisconsin utility employees showed that problems did occur.

Steven McFarlane, an employee of \*\* \_\_\_\_\_ \*\*  
discussed an issue that arose with his employer with the American 250: he testified that "by putting side pressure on that wiggler, even on a brand new meter, you can cause a leak" at the gasket. (Tr. 204-05.) This problem has arisen when the AMR devices used by his utility have been installed with an improper alignment; he testified that this sort of alignment problem was similar to the alignment problem about which Gloria Harmon

testified, see infra. (Tr. 219.) As McFarlane explained, this sort of leak must be repaired quickly because on a meter of this size, a leak sufficient to create an over 5 percent air/gas mixture in a room the size of the hearing room could occur in less than a minute. (Tr. 22.) Anything between 5 and 15 percent is combustible. (Tr. 22.)

Phil Gozy, an employee of \*\* \_\_\_\_\_  
\_\_\_\_\_, testified similarly about problems with the American 250 “just jam[ming] and stop[ping].” (Tr. 240.) Furthermore, he testified that although at first his utility did not keep separate track of AMR-related issues, it began keeping separate track of these issues due to the volume of such issues. (Tr. 240-41.) More specifically, the utility was getting a lot of calls due to improper installation such as “stuck meters, noisy meters, [and] small leaks on meters.” (Tr. 240.)

CellNet’s Vice-President for Customer Service, Clark Korbisch, also testified about a problem that developed at \*\* \_\_\_\_\_ \*\*. The utility had rebuilt certain meters and replaced them in service. These rebuilt meters had a piece (a nut) that stuck out further than it should have. When AMR was installed, there was less space between the wiggler and the pins on the CellNet drive dog. The pins on the CellNet drive dog came into contact with the nut and over time, backed out the nut, causing “a more significant gas leak coming through . . . the center box.” (Tr. 309.) Korbisch could not say that the AMR device would not interfere with other meters not built (or rebuilt) to manufacturer’s specifications. (Tr. 309.)

A pre-implementation investigation may not have revealed significant problems that would delay or halt such installation. However, such an investigation could at least

have provided a base of information about issues that could arise during installation, thus providing an opportunity for developing a strategy for avoiding these issues.

b. Inadequate Record Keeping

Once the installation started, no one, not Laclede, not Staff, not CellNet, not Honeywell, was charged with maintaining any sort of records related specifically to this significant installation project. See pages 16-17 of USW Local USW Local 11-6's Pre-Hearing Brief. As the following exchange with Clark Korbisch revealed, CellNet does not maintain comprehensive records about issues related to AMR installation unless the issue involves module failure:

**Q (Ms Schroder): What other records is CellNet interested in keeping?**

**A (Mr. Korbisch):** We keep track of . . . all the installations, the . . . foot drive, the . . . meter programming, which meter is installed on which house. . . . We keep track of customer comments, access problems, issues related to that location.

**Q (Ms Schroder): . . . CellNet does not think that it is important for it to keep installation records where there has been any kind of problem with the installation except a misprogramming error; isn't that right?**

**A (Mr. Korbisch):** No. We keep track of any reason that prompted us not to be able to complete an installation, such as vandalism. We keep track of that. (Tr. 293.)

**Q (Ms Schroder): . . . You keep track of anything that keeps you from . . . performing installation so that that can be corrected and you can install the meter; is that right?**

**A (Mr. Korbisch):** So that it can be corrected, yes.

**Q (Ms Schroder): All right. But you don't keep any records about problems that have occurred as a result of an installation, isn't that correct . . . ?**

**A (Mr. Korbisch):** If there's a problem that occurs on site and we're not able to complete the installation, we contact Laclede immediately. We never walk away from a hazardous situation.



**Q (Ms Schroder): You contact Laclede, but you don't keep any record of what caused it or anything about it, except that you contacted Laclede; isn't that right?**

**A (Mr. Korbisch):** We... record that as a skip....

**Q (Ms Schroder): All right. So as you sit here today, you really don't know what kinds of problems have arisen due to CellNet installations across the country, do you?**

**A (Mr. Korbisch):** We keep track of statistical analysis on AMR devices that come back from the field. We do keep track of that information.

**Q (Ms Schroder): What does that mean?**

**A (Mr. Korbisch):** If a module fails, for whatever reason, we keep track of that information.

**Q (Ms Schroder): If a module fails.**

**A (Mr. Korbisch):** Right.

**Q (Ms Schroder): So not if the whole meter and module have to be replaced or not if - - I mean, all you do is keep track of whether you have to replace the module?**

**A (Mr. Korbisch):** Right. Our responsibility is to maintain the module. The gas utility maintains the meter.

....

**Q (Ms Schroder): ... That's true national[ly], isn't it, that you do not keep records if an installer completes an installation but has damaged a meter in the process?**

**A (Mr. Korbisch):** I would not be aware of that. Correct.

(Tr. 293-296.)

Supporting this general testimony about CellNet's failure to maintain records of anything not related to module failure was Korbisch's testimony about the meter drill-throughs in January, 2006. Even while testifying testified about one of these drilled-through meters, Korbisch simultaneously testified that he did not know of any damage to meters caused by AMR installation, stating "To my knowledge, there are no meters that have been damaged due to the AMR installation that have caused a leak." (Tr. 285.) Furthermore, CellNet did not have any records about either these drill-throughs or the subsequent drill-through that occurred in November, 2006. (Tr. 288.)

This apparent inconsistency seems actually to be willful ignorance. Korbisch explained that he believed his testimony that there had never been a gas leak on an AMR installation and that the installers had never caused a gas leak to be accurate, despite evidence of at least two drill-throughs.<sup>3</sup> His explanation of this apparent inconsistency was that “those [two drill-throughs] were not part of AMR installation. Those were part of maintenance being done in the field to back out the screw, not related to the installation of the module itself. So the module did not cause the gas leak.” (Tr. 290.) He explained further that it was not the installation of the module itself that contributed to the leak but rather that the leak was caused “during a meter repair on the meter itself to repair the meter.” (Tr. 291.) Thus, no record of an AMR-installation related leak was kept.

Korbisch testified that in cases involving anything other than module-related problems, “Laclede is contacted . . . We keep the record that Laclede was contacted because there was a gas leak. That’s the record we do keep.” (Tr. 291-92.) However, Korbisch also testified that CellNet does not keep a record of “what prompted or caused the actual problem.” (Tr. 291.) Honeywell follows the same process. (Tr. 292.) Nor does Laclede maintain AMR specific leak records: as Staff witness Leonberger testified: “Laclede does not generally track the source of meter leaks.” (Ex. 39-NP, Rebuttal Testimony of Robert R. Leonberger, p. 12, line 6.)

Testimony by several Union witnesses underscored the lack of accurate record keeping by Laclede in regard to AMR-related installation issues. Pat White, former President of USW Local 11-6 (now Business Representative) and a Service Technician

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<sup>3</sup> Korbisch testified on the first day of hearing, prior to the parties obtaining details about the third drill-through incident.

for Laclede, testified specifically about an incident when he found a drilled-through meter after an AMR installation. Although he filled in a damage report and handed it in at the end of the day, this report was not included in the documents provided to USW Local 11-6 by Laclede nor was it listed in the summary provided by Laclede. (Tr. 432.) Oddly enough, this information was contained in records produced by Honeywell shortly before the hearing. (Tr. 434-435; Ex. 10-HC.)

Likewise, Mark Boyle, who was recently elected Business Manager for USW Local 11-6, testified that when AMR-related problems first started appearing, he brought these issues to the attention of his first-line supervision. (Tr. 526-27.) However, there was no response to his concerns. In addition, any time Boyle encountered a leaking AMR meter while on a leak call or a complaint or a job order, he would fill out a CIS form and turn the form in to Laclede. (Tr. 530.) Boyle believes his co-workers were also filling out CIS forms on these occurrences. (Tr. 530.) Boyle was also called out on a leak call after a meter had been drilled through during AMR installation and was told not to fill out the form usually filled out to document damage to Laclede property, the F-632. (Tr. 536, 541.) Laclede's own employees must fill out the form if they damage any company property. (Ex. 15NP, Testimony of Mark Boyle, p. 2.)

Other employees testified likewise that they also prepared and submitted reports on problems they were seeing after an AMR installation. For example, Dean Carlton testified: "I have repeatedly raised these issues about AMR with Laclede management in my role as a Union steward." (Ex. 14-NP, Supplemental Testimony of Dean Carlton, p. 1, lines 10-12, p. 4, lines 16-22.) Both Pat White and Kevin Stewart also testified about their reports to Laclede about problems they were finding in regard to the AMR

installation. (Ex. 5-NP, Testimony of Pat White, p. 3-4, lines 20-22, 1-2; Ex. 18-NP, Testimony of Kevin Stewart, p. 3, lines 10-11.)

Thus, although Laclede and Staff witnesses confidently assert that there are no issues of concern regarding AMR installation, it was clear from their testimony that these assertions are not based on any “independent analysis” conducted by Laclede or Staff but on a combination of assumptions and representations from CellNet combined with Laclede’s own failure to separately monitor the AMR installation process.

c. Installation by Inadequately Trained Persons

USW Local 11-6 refers the Commission to its Prehearing Brief, pages 2-6, for a discussion of the training of the individuals responsible for installing the CellNet AMR modules. The real issue in using persons with no training in gas safety to work on gas meters is, as Phil Gozy testified, “that if you used people [to do the AMR install] that had a gas background and knew what the consequences were of errors . . . that they should be more careful in how they do these installations.” (Tr. 254.) Gozy testified that in his experience, most of the problems related to AMRs are the result of improper installation; if installed correctly, the AMRs should work without problem. However, improper installation will cause, and has caused, leaks, meter stoppages, and excessive noise on gas meters. (Tr. 255-56.)

Dr. Seamands, Chief Engineer for Laclede, testified that he did not see any safety benefit from having gas workers install the AMR devices. (Rebuttal Testimony, p. 16, lines 12-13; Tr. 1027-1028.) How he came to this conclusion is unclear; when pressed, he acknowledged that he had no recollection of the testimony of either Frank Meuting, a

CellNet installer, Debra Redepinning or Clark Korbisch about the training the CellNet installers received. (Tr. 1030.)

Furthermore, during past installations of other, non-CellNet, AMR devices, Laclede employees always performed a full gas-safe inspection (Tr. 590.) Boyle described this inspection for Commissioner Gaw:

On an inside set, we would go in. We would bring all our equipment in with the bucket, the Ranger and all. We would -- on a meter change, the first thing we would do is try to locate the curb box out at the curb to make sure we could get the key on it.<sup>4</sup>

All inside sets, residential, have outside curb boxes. We'd try to locate that curb box, get a key on it. And if that's possible, then we could go inside. With the tools, we would turn the shut-off valve off, look at the shut-off valve, see if it's intact, if it's not broken, if the ears are broken. They like to break the shutoff valves on us.

We would check the point of entry where the line comes in with our CGI equipment, which is our gas Ranger, check for gas leaks coming in. We would also look at - - - how the meter --- we would --- we call this a company facility check, which is all Laclede Gas's equipment.

We would check from the inside wall to the outlet of the meter. We would make sure that the insulated union is properly installed below the regulator so when C&M has to get there, it's not shortened to the mains. That's been an issue that came up probably about five years ago. So we're looking for that.

We're looking for proper installation of the regulators. We still have a whole lot of what we call internal relief regulators out there, which are -- they've got the little quarter inch vent coming out which don't have the internal regulators so that if service pressure would happen to rise, it wouldn't go into the home itself. So we want to get those out of the system.

And we also look to see if the corrosion -- we look at the piping to see if we need to replace that. We also look at the stability of the whole company facilities and look at the shape of the meter, see if it's been tampered with.

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<sup>4</sup> Boyle testified that on an AMR change, they might not locate the curb box. (Tr. 566.)

(Tr. 563.) Although it sounds like a lengthy process, Boyle testified that this largely visual inspection does not take very much time for a seasoned serviceman. (Tr. 563-64.)

USW Local 11-6 asserts that there is no credible reason for Laclede's failure to accompany this AMR installation with the same gas-safe inspection it used during prior, non-CellNet AMR installations.

### **3. Evidence of Actual Problems with AMR Installation**

Despite the inadequate record keeping by Laclede or its subcontractors, evidence of actual problems associated with AMR installation was presented at the hearing of this matter. It cannot be overemphasized, however, that the information related to AMR installation problems is undoubtedly incomplete. Laclede provided information only on meters brought into the meter shop and that information appeared incomplete; entire periods of time were missing. USW Local 11-6's information was hit-or-miss as it is a combination of anecdotal evidence from some of its members and information it gleaned from other sources, such as customers. Without a systematic attempt at compiling AMR-specific statistics, there is no way to know the extent of the AMR-installation related problems.

#### **a. General Types of Problems Associated with Laclede's Implementation of AMR**

USW Local 11-6 presented several witnesses who were able to testify generally about the types of problems associated with AMR installation. One was Phil Gozy, an employee of a gas utility in another state. In Gozy's experience, most AMR problems result from improper installation. (Tr. 255-56.) Although as Commissioner Appling

expressed, the term “improper installation” is less than clear, Phil Gozy presented a thoughtful definition:

It's gaskets not being removed or things are a little bit cocked to one side, putting pressure on it because something isn't long enough . . . But as far as the installation goes, I think it comes down to people. You have to make sure the people understand what they're dealing with, what the consequences are. And then you have to, of course, monitor those people to make sure they're doing things correctly. And when you're not doing things correctly, you need to refrain.

(Tr. 245-46.)

The primary safety issue arising from an improper AMR installation is gas leaks. USW Local 11-6 presented testimony from several Laclede employees regarding leaks they found on meters recently equipped with an AMR module. This testimony was summarized on pages 7-10 of USW Local 11-6's Pre-Hearing Brief. Mark Boyle also testified that when the leaks were first being discovered on meters recently retrofitted with AMR modules, the employees were told to bring the meters into the shop. However, the shop was getting overfull with the meters and so subsequently, the employees were told to bring the meters to another location referred to as the meter shed. (Tr. 552-53.) Boyle testified that the employees continue to turn in AMR-fitted meters with leaks on a daily basis. (Ex. 27, MB Depo at 140.)

Also testifying generally about installation-related issues was Meter Shop employee Gloria Harmon, who testified that she has worked on AMR meters in the meter shop.<sup>5</sup> (Tr. 51.) She testified first about specific problems with the American 250, the meter on which the installation demonstration at hearing had been conducted. According

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<sup>5</sup> Dr. Seamands, Laclede's Chief Engineer, disputed the amount of work Harmon did with AMR meters, testifying that all AMR meters were sent directly to two other employees. (Tr. 1023.) However, Seamands has no direct knowledge of how these meters are actually handled at the shop.

to Harmon, the meter shop has found that the wiggler arm on the American 250 is susceptible to breaking. The wiggler is the part of the meter that drives the AMR module. (Tr. 36.) If the wiggler breaks, and thus cannot turn the meter cannot record gas usage. (Tr. 52, 67.) Steven McFarlane testified that this same issue also occurred in his state during its AMR installation. (Tr. 219.)

Harmon also testified about problems with another meter, the Rockwell. She stated that the biggest problem with the installation of the AMR module on the Rockwell was the failure of the installer to remove the cork gasket from between the index cover and the body of the meter. (Tr. 54.) These meters were being sent into the meter shop as not registering and the meter shop found a misalignment in that the gears of the AMR were not meshed with the existing gear in the center box. (Tr. 55.) Some of these misaligned meters would simply lock up while others would be hanging loose as if the screws had not been properly screwed in. (Tr. 55-56.) The Rockwells are also where most center box leaks are found. (Tr. 59.)

Another general issue discussed at hearing was increased difficulty in spotting meters for gas leaks due to AMR installation. Dean Carlton testified at some length about the problem with the erratic spinning of the meter dials (also referred to as the "index.") The erratic spinning makes it difficult for the workers to "spot" the meters when testing for leaks in the field. Even before the AMR devices were installed on the meters, the workers, when spotting the meter for leaks, would wait to spot the half foot hand on the up swing. However, in response to concerns that the half foot hand is inaccurate with the AMR devices, the practice was changed to require that the workers wait for the upswing to spot both the half foot hand and the two foot hand. (Tr. 506-07.)



Despite this, Carlton does not believe the problem has been resolved because many meters with AMR module also spin erratically on the upswing as well.

In addition, the erratic spinning may have an impact on billing accuracy, as noted by Carlton, and as reflected by the high bill complaints arising from meters with AMR as represented by media reports and staff records compiled in PSC Case No. 2006-0318. (See testimony of Gay Fred.)

b. Specific Incidents

Some specific incidents relating to AMR installation have already been outlined in USW Local 11-6's Pre-Hearing brief. See Prehearing Brief of USW Local 11-6, pp. 7-15. USW Local 11-6 will not recount them all but will focus on those that received in-depth testimony at the hearing.

i. Meter drill through on January 17, 2006. This drill through was found by Pat White, Union President and Laclede Service Department employee. White was dispatched to the call after a CellNet installer called to report a smell of gas. The installer told White that he had drilled through the meter and caused a leak. Laclede, in its opening, acknowledged this drill-through and stated that it was the basis of Laclede's decision to stop allowing the use of drills to remove screws from the meters. (Tr. 167.)

ii. Meter drill through on January 20, 2006. On January 20, 2006, in response to a call by a CellNet installer, Mark Boyle was dispatched to investigate a leak. When he arrived at the location, he found that the meter had been drilled through, thus causing a gas leak. The installer who called in the leak had left the scene but he returned while Boyle was still there. The installer told Boyle he had caused the leak but when Boyle asked for his name and badge number so he could report this information on a

damage report, the installer refused to give the information. Furthermore, Boyle's supervisor instructed Boyle not to fill out an F632 damage report, even though it is company policy to fill out the damage report any time there is damage to company property. (Ex. 15NP, Testimony of Mark Boyle, p. 2.)

iii. Meter drill through on November 10, 2006. Laclede's response to this incident provides for the Commission a dramatic demonstration of Laclede's attitude when presented with evidence of potential problems with the AMR installation. In its opening, Laclede presents its response to the information:

[I]t is of questionable origin that last Thursday, two days before this hearing, the union brought a second instance of meter damage to our attention.

So far, . . . what we have found is potentially disturbing. We've been able to determine that a meter was damaged and that it has been repaired. But the damage appears to be that the meter was drilled through, not just once, but twice.

So it is extremely difficult to think that an AMR installer who does not have a drill somehow managed to drill through a meter and then with the gas coming out right into his face drilled through it again. That is simply not likely.

[W]e actually have spoken to . . . the installer in this case . . . . And the gentleman seems to be a reputable individual. He told us what tools he has. He did not have a drill. He said he would not use a drill and he would not walk away from a situation where he smelled gas.

. . . .  
[I]t's suspicious that this has come up at this time, this late in the process right before the hearing that permitted the union's attorney to . . . use that in her opening speech to try to discredit the process.

(Tr. 167-69.) Somewhat contrary to the above, Dr. Seamands apparently believed that this was not a "drill-through" because he "thoroughly interviewed the installer. He did

not have the equipment to do that.” (Tr. 1040.) The installer was not called as a witness by Laclede (or Staff).

Fortunately, although the installer’s testimony was not presented, the testimony of both the USW Local 11-6 worker who was sent out on the call and the customer who called in the leak was presented. Their testimony presents no reason that any suspicion should fall on anyone other than the installer, who obviously did something incorrectly.

The leak on November 10<sup>th</sup> was called in by the maintenance supervisor, Michael Tracey, of a commercial establishment. The commercial establishment was one which serves handicapped individuals, including the children of the maintenance supervisor. (Ex. 28, Deposition of Michael Tracey, p. 35 [hereinafter MT Depo].) Entrance to the facility is through a reception area, where visitors must sign in. (Ex. 28, MT Depo at 15.) At the facility, the gas meter is in the boiler room, which is in the basement. The basement has two entrances: one an outside entrance secured by locked double doors (Ex. 28, MT Depo at 13-14), and the other an inside entrance, the door to which is kept locked at all times. (Ex. 28, MT Depo at 14.) Tracey testified that he checks the boiler almost daily as part of his job. (Ex. 28, MT Depo at 13.)

Tracey testified that on November 9<sup>th</sup>, without advance warning, a worker showed up to install AMR. (Ex. 28, MT Depo at 20.) (Seamands testified that it was a CellNet/Honeywell employee. (Tr. 1041.)) Tracey got him from the reception area, brought him to the basement, and left him to do his work. Tracey did not see the worker leave. On November 10<sup>th</sup>, Tracey headed down to the basement to check the boiler. When he opened the door, he smelled gas right away. He went to the meter and could

smell the gas coming from where the new meter had been installed. (Ex. 28, MT Depo at 31.) He opened up the double doors and then called Laclede. (Ex. 28, MT Depo at 30.)

Soon after, a Laclede employee named "Jim" arrived. (Ex. 28, MT Depo at 32-33.) Jim's leak detector showed a 20% leak at the same spot Tracey smelled the gas coming from at the meter. (Ex. 28, MT Depo at 32.) Jim contacted his supervisor and was told that it was Veteran's Day so there was no one to fix the meter. Tracy refused to let Jim shut the gas off until Monday, insisting that someone come fix it. (Ex. 28, MT Depo at 34.) About 20 minutes later, the supervisor arrived and together, Jim and the supervisor stopped the leak. (Ex. 28, MT Depo at 34-35.) Tracy testified that a few weeks later, a superintendent and two laborers showed up and removed the top plate for investigation. (Ex. 28, MT Depo at 36.)

The testimony of Jim Johnson, a 28-year Laclede employee who responded to Tracey's call, was in accord with the above. (Tr. 710-718.) Laclede did not present the testimony of the supervisor who was also called out to assist nor of the superintendent who later retrieved the top plate.

Neither Tracey nor Johnson had any reason to be disbelieved. Tracey is a retired gentleman with two children working at the facility at which the leak occurred; Laclede could not be attempting to foist any "suspicion" on him. As for Johnson, he was just the guy called out to investigate the leak; he was with Tracey at all times until Johnson's own supervisor arrived. Dr. Seamands agreed in his Supplemental Surrebuttal that Laclede had no reason to suspect Johnson of any wrongdoing. (Ex. 42-NP, Supplemental Surrebuttal of Dr. Seamands, p. 9, lines 10-21.) The only other person who we know had

access to the meter and who was alone at the meter was the installer. As noted above, Laclede chose not to use him as a witness.

This incident should not have been a surprise to Laclede when USW Local 11-6 alerted Laclede to it two days before the hearing. As Tracey testified, a superintendent had come and removed part of the meter for investigation. That it was a surprise is just another indication of a serious disconnect between what is happening "on the ground" and what those who testify for Laclede know. Because of this disconnect, quite apparent in regard to this incident, one is left to suspect that there are other incidents of this sort that are occurring but are not being captured.

iv. Meter incident on December 19, 2006. On December 19, 2006, an AMR installer working for CellNet/Honeywell arrived at the Thomassons' home to install their AMR module. After the worker was finished, Mrs. Thomasson asked him if she should be smelling gas, to which the worker said "yes." (Ex. 29, Deposition of the Thomassons, Tr. 7-16 [hereinafter T Depo].) She continued working in her basement and finally asked her husband about the odor. He suggested they call Laclede, which they did. (Ex. 29, T Depo at 17-18.)

Laclede sent Mark Boyle out. As soon as he turned on his leak detector in the house, it went off. The beeping of the detector got faster and faster as they went into the basement. (Ex. 29, T Depo at 23.) The Thomassons recall that Boyle told Mr. Thomasson to get his wife out of there and to not turn anything on. (Ex. 29, T Depo at 24.) By this point, Mrs. Thomasson felt sick; she thus went into the bathroom and vomited several times. She then lay down on the couch. Meanwhile, Mr. Thomasson was opening up the house to let air in and gas out. (Ex. 29, T Depo at 28.) Eventually,

Mr. Thomasson called an ambulance for his wife, as she appeared very disoriented and unwell. At the hospital, they were both diagnosed with natural gas exposure. (Ex. 29, T Depo at 34.)

Boyle's testimony on this incident was roughly the same as the Thomassons. (Ex. 35, Testimony of Boyle.) However, even though there was no suggestion that anyone other than the AMR installer had created the problem at the Thomassons, neither Staff nor Laclede spent any time actually exploring what caused the problem at the Thomasson, choosing instead to subject Boyle to cross-examination on issues they thought made him look bad. Thus, Staff spent its time on "bias" questions rather than highlighting the situation at the Thomassons, while Laclede focused on Boyle's performance and possible mistakes while at the Thomassons. Oddly enough, after having attacked Boyle during his appearance on the first day of hearing for not providing information quicker, during this appearance Laclede attacked Boyle for immediately letting the union know of the problem. This is the response witnesses for USW Local 11-6 have received when reporting problems with AMR installation. Neither Staff nor Laclede showed any interest in the substance of the leak issue; their interest was with impugning the witness with whatever they could. This is not an approach conducive to the receipt of information from which reasoned decisions can be made about the adequacy and safety of the AMR-installation.

The most troubling fact about these examples, and those in the Pre-Hearing Brief, is the lack of completeness; as pointed out above, neither Laclede, its subcontractors, nor Staff collected information specific to AMR installation issues. Thus, the only compilation of information of AMR-related problems in the field was obtained from very

informal reports to USW Local 11-6 by some of its members and customer complaints to the media. USW Local 11-6 does not contend that the addresses it provided is in any way comprehensive; only a small subset of its members participated in reporting AMR-related issues. (Tr. 556.) It is much more likely that other similar problems either exist but have not yet been found or existed, with reports of same lost in CellNet/Honeywell's or Laclede's internal recordkeeping system. As discussed above, Laclede's internal procedures do not provide for isolating reports related to AMR issues and therefore, Laclede has been unable to provide AMR-specific incident reports other than some reports from meters that actually were returned to the meter shop, as attached to Dr. Seamand's testimony.

Laclede contends that the exhibits attached to Dr. Seamand's testimony contain statistics proving that the incidence of leaks on meters with AMR is actually less than the incidence of leaks on meters without AMR yet installed. (Tr. 166-67.) According to Dr. Seamands, from November, 2005 through May, 2006, all meters equipped with AMR that were returned to the meter shop were sent directly to two particular employees who worked the test bench. The test bench is where meters are tested for leaks in the meter shop. (Ex. 32HC, Deposition of Patrick Seamands at 12 [hereinafter PS Depo]) These two employees would record the results of their work for each meter. (Tr. 1024-25.) Dr. Seamands then used their results to compile his exhibits.

However, these statistics are unpersuasive for several reasons: 1) there are large gaps in time in the underlying data on which the exhibits are based (including an absence of records from the first five months of installation), even though other witnesses testified that leaking meters are turned in everyday; 2) Dr. Seamand's testimony to the contrary,

other employees, such as Gloria Harmon, would on occasion receive AMR meters and repair them but this work was not included in the exhibits; and 3) the statistics were based only on meters that made it into the meter shop and not on problem meters that may have been "junked" altogether. On this point, USW Local 11-6 points out that there are no indications that any of the Rockwells or American on which problems were found, and which were the subject of testimony at hearing, are included in the statistics. Moreover, it appears there is a backlog of meters with AMR devices in meter sheds across Laclede's territory, as attested to by Mark Boyle. (Tr. 552-53.)

### **C. REMEDY**

As Laclede's witnesses testified, the AMR installation is largely complete at this time. Therefore, that part of the remedy requested by USW Local 11-6 in its Pre-Hearing Brief requesting the Commission to order Laclede to use experienced gas workers trained in gas safety to install all AMR devices on meters not yet retrofitted with same may be moot by the time an Order is issued in this matter. To the extent there are remaining meters to be retrofitted, however, USW reiterates its request for this relief. In addition, USW Local 11-6 requests that the Commission impose the following requirements on Laclede:

1. Laclede shall use trained gasworkers to inspect every meter that is equipped with an AMR device at the rate of 80,000 meters per month. This inspection will include at a minimum, a hazard survey that covers the following: leak inspection, check for DR, check for erratic dial, and visual corrosion inspection. This inspection can be combined with any work order for a meter, any corrosion inspection or any leak inspection. Laclede will commit to fixing any leaks, DRs, erratic dials.



2. For each of the above inspections that are performed, Laclede will compile a hazard analysis schedule which identifies the address, date of inspection, inspector, results of inspection and corrective activity. Laclede will send a complete copy of the survey to the PSC and to USW 11-6.

3. To address the danger associated with erratic dials on AMR meters, Laclede service employees shall pressure test lines any time they have to shut the lock cock off or turn it on.

Similar steps have been found appropriate in other jurisdictions. Steven McFarlane, an employee of Wisconsin Public Service Corporation (WPSC) and treasurer of Operating Engineers Local 310 in Wisconsin, described an order from the Wisconsin Public Service Commission that resulted in an annual hazard survey being performed on WPSC meters. (Tr. 191-192.) As McFarlane explained, the Wisconsin Order requires "that a human body will make it to each and every meter once a year . . . they may be doing three different items, but they will make it there and see that meter and the condition."<sup>6</sup> (Tr. 215.) This survey was actually less necessary in Wisconsin than it is here because the WPSC had already performed a pre-installation inspection of each meter.

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<sup>6</sup> McFarlane earlier explained that the annual visit could fall under one of three rubrics: an FI (or Flame Ionization) survey; a corrosion survey; or a hazard survey. (Tr. 192.)

### CONCLUSION

For the reasons set forth above, USW Local 11-6 asks that the Commission find in its favor on its First Amended Complaint and grant the relief set forth above.

Respectfully submitted,

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**Certificate of Service**

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