

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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

**RESPONSE TO LACLEDE AND STAFF'S
OPPOSITION TO FILE TESTIMONY OUT OF TIME**

Comes now USW 11-6 ("Local 11-6") and submits its Response to Laclede and Staff's Opposition to File Testimony Out of Time. In support thereof, Local 11-6 states as follows:

1. The Staff argues that Local 11-6's Motion should be denied for several reasons, the first being that the Motion lacks sufficient detail. (Staff's Response, ¶7). However, this argument is nonsensical because the very purpose of Local 11-6's Motion was to seek permission to file testimony which elicits greater detail about the incidents mentioned.

2. Secondly, the Staff argues that the granting of Local 11-6's motion will deny due process to the other parties because it will prevent them from responding to the additional testimony. (Staff's Response, ¶8). Along with this argument, the Staff seeks that the hearings should be delayed to investigate the matter further. (Staff's Response, ¶10).

Due process will not be denied to the Staff because it has yet to present any of its witnesses. The investigation of the events described in Local 11-6's Motion could be part of its presentation. Moreover, Laclede will not be denied due process because it can produce rebuttal to Local 11-6's testimony. Because all parties will have an adequate chance to respond to Local 11-6's testimony, there is no need to delay the hearings beyond February 14, 2007.

3. Finally, Laclede notes that the events described in Local 11-6's Motion are "suspicious." (Laclede's Response, ¶2). While Laclede certainly has an interest in making this baseless assertion, it in no way supports its goal of excluding Local 11-6's testimony from the full and fair litigation of this matter. If the circumstances are truly as suspicious as Laclede asserts, it seems logical that it would be eager to include, not exclude, evidence of the events. Discrediting Local 11-6 would obviously go much farther in supporting Laclede's case than the mere exclusion of all evidence on the matter.

4. In reality, the evidence presented in Local 11-6's Motion is severely damaging to Laclede and for that reason alone Laclede seeks its exclusion. While Local 11-6 fully acknowledges that deadlines and procedural rules are essential to maintaining fairness in litigation, gas hazards and near-tragedies do not abide by such standards. When lives and property are put at risk, rigid rules should be set aside so that fairness may be sought.

WHEREFORE, Local 11-6 seeks leave to file written testimony out of time pertaining to newly discovered incidents. Specifically, Local 11-6 requests that it be given leave to file the testimony by January 8, 2007, and that the hearing date should not be further delayed.

Respectfully submitted,

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on January 5, 2007, by United States mail, hand-deliver, email, or facsimile upon:

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