

**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**

**REQUEST FOR CORRECTION OF ORDER TO CONFORM IT TO  
TERMS OF AUTHORITY DELEGATED BY COMMISSION**

COMES NOW Laclede Gas Company ("Laclede" or the "Company"), and submits this Request to Correct Order to Conform it to the Terms of Authority Delegated by the Commission, and in support thereof, respectfully states as follows:

1. At the Commission's Agenda meeting on June 3, 2009, Commissioner Davis stated that he would like to see Laclede's response to certain matters raised by Staff and Public Counsel. Commissioner Davis specifically and repeatedly expressed his desire to see "a response from Laclede," and never mentioned seeking any further information from or replies by Staff or Public Counsel. Given the length and breadth in which this matter has been argued, and the fact that it was already on the agenda as an Order Denying Reconsideration, it is clear that Commissioner Davis was merely seeking from Laclede a final word on the matter.

2. The Commissioners had no objection to Commissioner Davis' request, and Chairman Clayton directed the Regulatory Law Judge, Judge Kennard Jones, by delegation of authority, to prepare an order that reflected Commissioner Davis' request.

3. Pursuant to Section 386.240, RSMo, Judge Jones' authority extended only to what the Commission authorized. In this case, the instructions to Judge Jones were clear and precise: he was to issue an order that reflected Commissioner Davis' request, as authorized by the Commission, to direct Laclede to respond to Staff and Public Counsel.

The direction to Judge Jones did not provide him the discretion to supplement or amend the authority delegated to him.

4. However, Judge Jones' June 4, 2009 Order Directing Filing (the "Order") reflects neither the Commission's direction nor Commissioner Davis' request. Rather, the Order requires pleadings to be filed not just by Laclede, but also by Staff and Public Counsel. Although Commissioner Davis clearly stated that he was seeking a response only from Laclede, it appears that the judge unilaterally decided that Staff and Public Counsel should also file pleadings, in addition to the pleadings they have already filed.

5. The Order clearly contravenes the explicit instructions that were given by the Commission at its June 3 Agenda Meeting. Even worse, it frustrates the primary purpose for which those instructions were issued; namely to give Laclede an opportunity to respond to the arguments that were raised by Staff and OPC. Instead, the Order provides Staff and OPC an opportunity to submit a new round of supplemental arguments on this issue – a circumstance that effectively precludes a full and final response by Laclede, since the Company cannot possibly respond to something it has not yet seen.

6. Laclede attorney Mike Pendergast had attended the June 3 Agenda meeting and heard the Commission's directive.<sup>1</sup> In an email from Mr. Pendergast to Judge Jones, copied to Staff and Public Counsel, Mr. Pendergast asked the judge if he would explain how the Commission's explicit directive came to be altered. Judge Jones replied with one word: "no."

7. Laclede requests that Judge Jones correct the Order, *nunc pro tunc*, to accurately reflect the request made by Commissioner Davis and authorized by the Commission, i.e., that Laclede reply to the matters raised by Commissioner Davis.

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<sup>1</sup> The Commission's instructions were also heard by the general public via the internet.

Alternatively, Laclede requests the Commission correct the Order at its next agenda meeting on Wednesday, June 10, 2009. And since the Company has responded to Commissioner Davis' request by separate pleading filed today, Laclede further requests that, at the June 10 Agenda meeting, the Commission correct the Order, accept Laclede's response, and reprise its vote on the Order Denying Motions for Reconsideration in these cases.

**WHEREFORE**, for the foregoing reasons, Laclede respectfully requests that, at its June 10, 2009 agenda meeting, the Commission correct its June 4, 2009 Order Directing Filing to reflect the authority delegated by the Commission to the regulatory law judge as set forth herein, accept Laclede's response to the corrected order, and reprise its vote on the Order Denying Motions for Reconsideration.

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 8th day of June, 2009.

**/s/ Gerry Lynch**

Gerry Lynch