

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

In the Matter of the Application of Southern	)	
Union Company d/b/a Missouri Gas Energy,	)	
The Laclede Group, Inc. and Laclede Gas Company	)	
for an Order Authorizing Sale, Transfer, and	)	Case No. GM-2013-0254
Assignment of Certain Assets and Liabilities	)	
from Southern Union Company to Laclede Gas	)	
Company and, in Connection Therewith, Certain	)	
other Related Transactions	)	

**RESPONSE OF THE JOINT APPLICANTS TO THE  
IBEW LOCAL 53'S APPLICATION TO INTERVENE  
OUT OF TIME**

COMES NOW Southern Union Company d/b/a Missouri Gas Energy (“MGE”), the Laclede Group, and Laclede Gas Company (“Joint Applicants”), by and through counsel, and in response to the Verified Application of IBEW Local 53 to Intervene Out of Time, respectfully states as follows:

1. IBEW Local 53 filed the Verified Application of IBEW Local 53 to Intervene Out of Time (“Intervention Application”) on February 27, 2013. As noted in its Intervention Application, IBEW Local 53 is a labor organization, represents MGE call center employees, and has a collective bargaining agreement with MGE covering the terms and conditions of employment for represented employees.

2. In an order dated January 15, 2013, the Commission’s deadline for parties to intervene was February 23<sup>rd</sup>, 2013, four days before the IBEW Local 53’s Intervention Application. Further, the Intervention Application is deficient because it does not make a showing of good cause as to why it was filed out of time, as required by 4 CSR 240-2.075 (10).

3. The Joint Applicants note also that under the subject Purchase and Sale Agreement, Laclede Gas Company will assume the Collective Bargaining Agreement by and between Missouri Gas Energy and IBEW Local 53 dated May 1, 2009 (the “CBA”). In sum, the terms and conditions of employment for IBEW 53’s members will not change since the CBA will be assumed in its entirety by Laclede Gas Company. Given that, the Joint Applicants fail to see how IBEW Local 53 has a direct interest in this proceeding which is different from the general public.

4. Regardless of those deficiencies, the Joint Applicants do not object to the IBEW’s Intervention Application.

WHEREFORE, the Joint Applicants respectfully submit this response to the Intervention Application.

Respectfully submitted,

/s/ **Todd J. Jacobs**

Todd J. Jacobs, MBE #52366

Senior Director- Legal

Southern Union Company d/b/a Missouri Gas Energy

3420 Broadway

Kansas City, MO 64111

816-360-5976

816-360-5903 (fax)

[todd.jacobs@sug.com](mailto:todd.jacobs@sug.com)

/s/ **Michael C. Pendergast**

Michael C. Pendergast, MBE #31763

Vice President and Associate General Counsel

Rick Zucker, MBE #49211

Assistant General Counsel - Regulatory Laclede

Gas Company

720 Olive Street, Room 1520

St. Louis, MO 63101

(314) 342-0532

(314) 421-1979 (fax)

[mpendergast@lacledegas.com](mailto:mpendergast@lacledegas.com)

[rzucker@lacledegas.com](mailto:rzucker@lacledegas.com)

/s/ **James C. Swearingen**

James C. Swearingen, MBE #21510

/s/ **Paul A. Boudreau**

Paul A. Boudreau, MBE #33155

**BRYDON, SWEARENGEN &  
ENGLAND P.C.**

312 E. Capitol Avenue P. O.

Box 456

Jefferson City, MO 65102 (573)

(573)635-7166

(573) 635-3847 (fax)

[ltrackers@brydonlaw.com](mailto:ltrackers@brydonlaw.com)

[paulb@brydonlaw.com](mailto:paulb@brydonlaw.com)

ATTORNEYS FOR SOUTHERN UNION COMPANY d/b/a  
MISSOURI GAS ENERGY, THE LACLEDE GROUP AND  
LACLEDE GAS COMPANY

### **Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail on this 4<sup>th</sup> day of March 2013, to the following:

Missouri Public Service Commission  
General Counsel Office  
Bob Berlin  
P.O. Box 360  
200 Madison Street, Suite 800  
Jefferson City, MO 65102  
[Bob.Berlin@psc.mo.gov](mailto:Bob.Berlin@psc.mo.gov)

Office of the Public Counsel  
P.O. Box 2230  
200 Madison Street, Suite 650  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Jennifer S. Frazier  
Deputy Chief Counsel  
Missouri Attorney General's Office  
P.O. Box 899  
Jefferson City, MO 65102  
[Jenny.Frazier@ago.mo.gov](mailto:Jenny.Frazier@ago.mo.gov)  
Attorney for Missouri Department of  
Natural Resources

Sherrie Hall  
Michael A. Evans  
Hammond and Shinnars, P.C.  
7730 Carondelet Ave., Suite 200  
St. Louis, MO 63105  
[sahall@hammondshinnars.com](mailto:sahall@hammondshinnars.com)  
Attorneys for IBEW USW

Roger W. Steiner  
Corporate Counsel  
Kansas City Power & Light Company  
1200 Main Street, 16<sup>th</sup> Floor  
Kansas City, MO 64105  
Attorney for Kansas City Power &  
Light Company and KCP&L Greater  
Missouri Operations Company  
[Roger.steiner@kcpl.com](mailto:Roger.steiner@kcpl.com)

Stuart W. Conrad  
Finnegan, Conrad & Peterson, L.C.  
3100 Broadway, Suite 1209  
Kansas City, MO 64111  
[stucon@fcplaw.com](mailto:stucon@fcplaw.com)  
Attorneys for Midwest Gas Users'  
Association

Mark Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 201  
P.O. Box 537  
Jefferson City, MO 65102  
City of Kansas City, Missouri  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

**/s/Paul A. Boudreau**