

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

USW Local 11-6)	
)	
v.)	Case No. GC-2006-0390
)	
Laclede Gas Company,)	
Respondent.)	

**LACLEDE GAS COMPANY’S RESPONSE OPPOSING MOTION
TO SUBSTITUTE DEPOSITION FOR LIVE TESTIMONY**

COMES NOW Laclede Gas Company (“Laclede” or “Company”) and files this response opposing the request by USW Local 11-6 (the “Union”) to substitute the deposition of Ms. Claire Donnelly in place of her live testimony, and in support thereof, states as follows:

1. In its Amended Complaint in this case, the Union has alleged that Laclede has violated its obligation pursuant to §393.130 RSMo to provide safe and adequate service by using workers (the “AMR installers”) that have little or no gas safety training or experience. The gravamen of this complaint is that these AMR installers are causing gas leaks and damaging meters. Laclede has provided expert testimony demonstrating that installing an index on a frame built on the outside of a meter does not and cannot cause gas to leak from inside the meter and that, while several hundred thousand AMR modules have been installed, less than five hundred tiny, non-hazardous gas leaks have been discovered, none of which have been caused by an AMR installation. Further, the parties have agreed that only one meter has been damaged during an installation, and Laclede has testified that it promptly halted the practice that caused that damage.

2. In support of its complaint, the Union has provided witnesses who fall into two categories: Union members that work or worked at Laclede, or customers. Ms.

Donnelly is one of ten (10) customers who offered a statement in support of the Union's case. She did not file testimony, but instead signed an affidavit. These ten customer statements are fairly repetitive, non-expert opinions, that are generally supportive of union workers and opposed to non-union labor. Even setting aside the unabashed pro-union bias, the statements of these customers generally stand for the proposition that they wish to feel assured that work done on their gas meters is being handled safely.

3. As such, it is not necessary to have ten or nine or even eight customers testify to the same general proposition. It is certainly not necessary to consume the time and expense of Staff, the Company and the Union to hold a deposition to preserve the testimony of one of these customers who happens to not be able to attend the hearing.

4. Parading a large group of repetitive witnesses to the stand or to depositions serves no purpose in administering this case. In accordance with Commission Rule 2.110(4), the presiding officer may limit the number of witnesses, exhibits, or the time for testimony. Laclede hereby invokes this rule in requesting that the Commission decline to require the parties to participate in a deposition to preserve the statement of Ms. Donnelly as evidence.

5. Since the Union did not file Ms. Donnelly's statement as prepared testimony in accordance with Commission Rule 2.130(6), and since Ms. Donnelly is unable to attend the hearing, Laclede believes that the most appropriate course of action in this instance is to accept Ms. Donnelly's statement as if it were provided as a comment for the Commission's consideration, but not admit it as evidence in the case. Ms. Donnelly may rest assured that her absence will not result in a shortage of Union witnesses.

WHEREFORE, for the foregoing reasons, Laclede respectfully requests that the Commission deny the Union's motion to substitute deposition for live testimony.

Respectfully Submitted,

/s/ Rick Zucker

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on all of the parties to this case on this 17th day of November, 2006 by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker