

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

Staff of the Public Service Commission of)	
Missouri,)	
)	
Complainant,)	
v.)	Case No. GC-2006-0318
)	
Laclede Gas Company,)	
)	
Respondent.)	

**LACLEDE GAS COMPANY’S RESPONSE TO
UNION’S APPLICATION TO INTERVENE**

COMES NOW Laclede Gas Company (“Laclede” or “Company”) and, in response to the Verified Application (“Application”) of United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied–Industrial and Service Workers International Union, Local No. 11-6 to Intervene (the “Union”), states as follows:

1. The above referenced case involves two issues: (i) whether Laclede timely provided notices regarding estimated bills and attempted to secure an actual reading at least annually; and (ii) whether Laclede has acted properly in situations where there is unauthorized gas use.

2. Applicant is a labor organization that represents approximately 1050 employees of Laclede. (See paragraph 2 of the Application) As an unincorporated association, the Applicant is identical to this group of Company employees that it represents. The question presented is whether it is in the public interest for this group of Company employees to intervene in this case.

3. The Union make three arguments in support of its Application; specifically, that its members (i) have an interest in their safety as they perform their jobs; (ii) have an interest in the effect of this case on their jobs and terms of employment; and

(iii) have an interest in this case because it overlaps with three other cases that they are involved in.

4. There are numerous reasons why the Application should be denied. First, this is simply another attempt by the Union, as it candidly admits in both paragraph 10 of the Application in this case and paragraph 10 of its intervention application in GE-2005-0405, to use this Commission to gain an advantage in the number of jobs available in various Union classifications and the terms and conditions of their members' employment. As stated on a number of occasions by both Staff and Laclede, the employment issues that these Company employees seek to pursue clearly fall outside of the statutory purview of the Commission (see §386.315 RSMo 2000). This is now the fourth Commission case in the past six months that the Union has either initiated or attempted to become involved in. The Commission should not allow its time and resources to be abused by a group of Company employees seeking to improve their employment situation.

5. Second, the legitimate interest of this group of Company employees is no different from that of the general public. The only factor that distinguishes this group from the general public is their status as Company employees, and as discussed above, the Commission's jurisdiction extends to the utility, but does not cover either the number of jobs available to these employees or the terms and conditions of their employment. And to the extent such employees do have other, legitimate interests in public safety or the rates, terms and conditions of utility service, those interests can be and are adequately represented by the Commission Staff as well as the Office of Public Counsel.

6. Like any member of the general public, these Company employees can bring a complaint if they are aggrieved by a violation of any statute, rule, order or decision within the Commission's jurisdiction. The fact that the interest of these Company employees is focussed solely on the impermissible issue of jobs is illustrated by the complaint they brought in Case No. GC-2006-0060, in which the Union did not even allege a violation of any statute, rule, order or decision within the Commission's jurisdiction, but simply and blatantly sought to have the Commission impose on Laclede a required task that is not imposed on any other gas utility, either in Missouri or, to our knowledge, anywhere else. The only rational explanation for bringing such a complaint is to expand the number of positions in their work classification to do this unnecessary task.

7. Nor is intervention necessary to protect the safety of these Company employees. There is no safety issue raised by the sending of notices about estimated bills, which is the first count in Staff's complaint in this case. Moreover, to the extent any safety issues are raised in relation to the second count of the Complaint, the Company employees represented by the Union have no independent role to play in this case. The Staff has brought this complaint case against the Company and will take the steps necessary to gather the evidence it needs to process the case. It is not necessary or productive to have both the Company and a group of its employees involved as parties to the case; to the contrary, participation by these employees can only cause waste and confusion by raising improper issues of employment, as discussed above.

8. Finally, this case does not in any way overlap with the three other cases in which the Company employees are involved. Notices of estimated billings and response

to the unauthorized use of gas, the issues in this complaint case, have no connection to a temporary variance from meter sampling rules (GE-2005-0405), to whether the Company should perform inspections when the flow of gas is not interrupted (GC-2006-0060), or to performing meter changes using the well-established “Grunsky Bag” method (GC-2006-0313). This argument of “overlap” is specious, and just another example that the Union’s aim is to intervene in Commission cases solely to harass the Company for the purpose of gaining leverage in collective bargaining. The Commission should not permit its limited resources to be squandered in such a manner.

WHEREFORE, Laclede respectfully requests that the Commission deny the Application filed by the Company employees in this case.

Respectfully Submitted,

/s/ Michael C. Pendergast

Michael C. Pendergast, #31763
Vice President & Associate General Counsel
Rick Zucker, #49211
Assistant General Counsel-Regulatory

Laclede Gas Company
720 Olive Street, Room 1520
St. Louis, MO 63101
Telephone: (314) 342-0532
Facsimile: (314) 421-1979
E-mail: mpendergast@lacledegas.com
rzucker@lacledegas.com

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the General Counsel of the Staff of the Missouri Public Service Commission, the Office of Public Counsel, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, Local No. 11-6, on this 21st day of February, 2006 by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker