

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

In the Matter of the Revised Tariff Sheets for     )   Case No. GT-2016-0026  
the Laclede Gas and Missouri Gas Energy         )   Tariff Tracking Nos. JG-2016-  
Operating Units of Laclede Gas Company         )   0018, JG-2016-0019 and JG-2016-0020

**RESPONSE IN OPPOSITION TO  
STAFF’S MOTION TO REJECT TARIFF SHEETS**

COMES NOW Laclede Gas Company and for its Response in Opposition to Staff’s Motion to Reject Tariff Sheets, states as follows:

**THE TARIFF FILING**

1.     On July 21, 2015, Laclede Gas Company (“Company”) submitted revised tariff sheets (the “Revised Tariffs”) on behalf of its two operating units, Missouri Gas Energy (“MGE”) and Laclede Gas (“Laclede Gas”). The purpose of the Revised Tariffs is two-fold. The first is to achieve greater consistency in the tariffed processes and practices through which the Company’s two operating units provide service to their respective customers in a manner that enhances customer service. The second is to incorporate in the tariffs being revised the corresponding changes that were made by the Commission to its Chapter 13 billing rules in 2014.

2.     With respect to achieving greater consistency between the Company’s two operating units, the revised tariffs propose to: (1) adopt for MGE the same budget billing and main extension tariffs currently approved for Laclede Gas; and (2) reintroduce for both operating units the same procedure for estimating bills that, consistent with the procedure that had previously been used for this purpose, relies more heavily on historical usage at the customer’s own location. Achieving consistency of practice is a key component of the integration of MGE

and a vital element of being able to convert MGE customers to Laclede's new Customer Care & Billing (CC&B) system.

3. Laclede believes that achieving greater consistency in how it goes about providing utility service in Missouri will also enhance the ability of its call center personnel to respond effectively and efficiently to customer inquiries and issues that may arise in these areas. Greater consistency should also enhance the ability of Commission personnel to effectively monitor the performance of the Company's operating units in these same areas. The adoption of similar processes and practices for estimating usage and administering levelized billing arrangements will also help Laclede to avoid significant duplicative programming costs and delays as it converts MGE to its CC&B system in early September of this year. Just as importantly, adoption of these changes will enhance customer service for MGE customers by migrating their accounts to Laclede's new CC&B system, rather than remaining on the significantly outdated one at MGE. Notably, *none* of these revisions will *increase* the rates or charges paid by any customer. In fact, all customer charges, usage charges and miscellaneous charges approved for MGE and Laclede would continue in effect exactly as they are today.

#### **STAFF'S MOTION TO REJECT**

4. On August 4, 2015, the Staff filed a Motion to Reject the Revised Tariffs. In effect, the Staff argues that the Commission is completely powerless to approve these modest tariff changes outside of a general rate case proceeding. In support of that proposition, the Staff cites the statutory definition of what constitutes a "rate" under Section 386.020(46) RSMo., presumably in an effort to imply that the Company is engaging in some kind of unlawful, single issue ratemaking by pursuing these tariff changes.<sup>1</sup> The Staff never explains though how these

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<sup>1</sup> As discussed below, the Staff's assertion that the tariff changes being proposed by the Company may amount to a "rate" change as that term is defined in Section 386.020 (46) RSMo. is flatly inconsistent

definitions apply to what the Company is proposing and never asserts that the Company is actually changing any rates or charges. Instead, the Staff simply claims, without any citation to legal authority, that the Company's proposals cannot be approved outside of a rate case because they may affect how customers are billed and, in the case of MGE's main extension tariffs, provide customers with a more favorable footage allowance when mains and services are being extended.

5. As discussed below, Staff's position that the Commission is powerless to approve the Revised Tariffs is fundamentally inconsistent with the statutes and case law that govern the Commission's authority to protect and promote the public interest and is directly contradicted by how the Commission has routinely exercised such authority in the past to approve similar tariff changes, often with Staff's full concurrence. Regrettably, Staff's position also violates both the letter and the spirit of the Stipulation and Agreement in the recent MGE acquisition proceeding, Case No. GM-2013-0254, which clearly contemplated that the Company would be free to pursue tariff changes of the kind proposed here. Finally, such a position represents an inexplicable effort by the Commission's own Staff to needlessly restrict the Commission's ability to act in a timely manner on tariff changes or other initiatives that may be necessary to bring to utility customers the benefits of technological advances, process improvements and other efficiency measures that can enhance the quality and value of the services they receive.<sup>2</sup> For all of these reasons, Laclede respectfully requests that the Commission deny Staff's Motion to Dismiss and approve the Revised Tariffs as soon as reasonably practical and with an effective date of September 8, 2015.

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with the Western District Court of Appeals opinion in *State ex rel. Missouri Gas Energy v. Public Service Commission*, 210 S.W.3d 330, 334 (Mo.App. W.D. 2007).

<sup>2</sup> Staff's position would likely delay the Company's efforts to merge the computer systems in early September. An example of the fallout from Staff's efforts would be a delay in the Company's plans to build a new model for operating MGE's complex gas supply distribution network.

**THE COMMISSION’S AUTHORITY TO  
APPROVE THE REVISED TARIFFS**

**A. The Commission’s authority to consider and approve the Revised Tariffs outside a general rate case is explicitly recognized by Section 393.150 RSMo.**

6. Subsection 1 of Section 393.150 specifically recognizes that gas corporations, like Laclede, may file tariffs or other instruments relating to the provision of utility service for the Commission’s consideration, regardless of whether such a filing is being made as part of a general rate case filing. Specifically, gas corporations are authorized to file and the Commission is authorized to consider . . . *any* schedule stating a new rate or charge, or *any* new form of contract or agreement, or *any* new rule, regulation or practice relating to any rate, charge or service or to any general privilege or facility”. (*Id.*, *emphasis supplied*). The fact that the Commission has a “GT” designation, separate and apart from a “GR” designation for rate cases, is further evidence that tariff filings outside of a rate case were clearly contemplated.

7. Subsection 2 of Section 393.150 further establishes that tariffs setting forth new rules, regulations or practices may be filed and considered by the Commission independent of whether a rate increase is being sought. Subsection 2 establishes distinct requirements that must be followed only when the tariffs under consideration by the Commission are proposing a rate *increase*. These include a requirement that the utility bear the burden of proof to establish that the requested increase is just and reasonable as well as the requirement that the Commission grant precedence to the processing of such filings over all other filings. By establishing separate and unique requirements only for tariff filings that seek to increase rates, Subsection 2 makes clear that tariffs that are filed outside of a rate case and that do not seek an increase in rates are not only permissible but expected.

**B. The Commission’s authority to consider and approve the Revised Tariffs outside of a general rate case is clear from the applicable case law.**

8. Although the Staff cites no judicial precedent or case law in support of its assertion that the Commission cannot approve the Revised Tariffs, its position seemingly rests on the flawed theory that such action would violate the general prohibition against single issue ratemaking. As articulated in the seminal case of *State ex rel Utility Consumers Council of Missouri v. Public Service Commission*, 585 S.W.2d 41 (1979), the statutory scheme in Missouri has indeed been interpreted (absent statutory authority to the contrary) to generally prohibit rates from being adjusted to reflect changes in only one component of a utility's cost of service without considering whether other components are also increasing or decreasing. *Id.* at 56. The primary purpose of this requirement to consider "all relevant factors" when establishing rates is to prevent a significant mismatch between what the utility is charging for service and what the utility is actually incurring to provide it so that customers are not overcharged for such service. *Id.*

9. None of these considerations, however, are applicable to the Commission's consideration of the Revised Tariffs. Rates are *not* being changed at all by the Revised Tariffs, let alone in a way that could result in consumers being overcharged for utility service. Under such circumstances, it is wholly inappropriate to use – or rather misuse – such considerations as an instrument for preventing the Commission from exercising its authority to consider and approve changes to the terms, conditions and practices under which utility service is provided. Whether such authority is exercised as a result of tariff filings made by a utility, rules initiated by the Commission, or complaints pursued by the Staff or OPC, the Commission's ability to regulate such matters pursuant to its broad regulatory powers under the Public Service Commission Law cannot and should not be held hostage to whether and when a utility makes a unilateral decision to file a general rate case.

10. This fundamental point was broadly reaffirmed by the Western District Court of Appeals in its opinion in *State ex rel Missouri Gas Energy, et al vs. Public Service Commission*, 210 S.W.3d 330 (Mo. App. W.D. 2007) (hereinafter the “*MGE Decision*”). In that case, a number of gas utilities, including MGE and Laclede Gas, had argued that the Commission lacked the power to adopt certain changes to the terms and conditions under which utilities had to maintain or restore service to customers during the Cold Weather Rule period. These changes, all of which were being adopted by the Commission outside the context of a general rate case, were far more substantial than those being proposed by the Revised Tariffs. They included, among others, reductions in the amount of arrearages customers had to pay to maintain or restore service; new obligations to offer levelized billing arrangements and deferrals of certain reconnection charges. The utilities argued that Commission could not adopt these changes because they were different from those contained in the utilities’ currently approved tariffs, unless the Commission also approved measures that would make the utilities financially whole between rate cases.

11. In its opinion, the court gave three principle reasons for rejecting the utilities’ position. First, it reasoned that restricting the Commission’s power to adopt such changes would eviscerate its statutory authority to prescribe rules affecting “the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service, and billing for public utility service.” § 386.250(6). *Id. at* 335. Second, citing the same definition of “rate” that Staff references in its Motion to Reject, the court determined that the Commission’s revisions to how much utilities could bill customers up front to retain service, what kind of new levelized payment arrangements utilities had to offer their customers, and what charges utilities needed to defer

billing did *not* constitute changes to a rate. *Id. at 334.*<sup>3</sup> Third, the court determined that the potentially adverse financial impact of the changes on the affected utilities was not sufficient to bar the action being taken by the Commission. *Id. at 335.*

12. The *MGE Decision* is directly on point and requires that the Commission deny Staff's Motion to Dismiss. Like the utilities in that case, the Staff is seeking to impermissibly restrict the Commission's authority to prescribe the conditions under which utilities provide and bill customers for utility service. Moreover, it is seeking to do so based on the theory that changes in how and when customers are billed for utility service somehow qualify as a change in rates – a view that was also squarely rejected in the *MGE Decision*. Simply put, Staff's Motion to Reject cannot be reconciled with either the statutes governing the Commission's regulatory powers to consider and approve tariff filings or the judicial precedents that have interpreted them. As discussed below, Staff's position is also strongly contradicted by how the Commission has historically exercised such powers to approve tariff changes that have been proposed outside a rate case, often with Staff's full concurrence.

**C. The Commission's authority to consider and approve the Revised Tariffs outside of a general rate case is demonstrated by the Commission's long-standing history of exercising such authority on similar tariff changes.**

13. The instances where the Commission has exercised this statutory authority to consider and/or approve tariff changes outside of a general rate case are almost too numerous to count. (*See Exhibit 1 to this Response for just a sample of times where the Commission has*

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<sup>3</sup>As the court stated in explaining why these changes did not constitute a change in rates: "A rate is "every individual or joint rate, fare, toll, charge, reconsigning charge, switching charge, rental or other compensation of any corporation, person, or public utility ... or any schedule or tariff thereof." § 386.020(45).<sup>1</sup> The ECWR *does not affect how much the utility may charge for its services, but only how much of the total amount owed by a customer the utility is allowed to collect in order to prevent disconnection or allow reconnection of gas services during the three-month winter window.* "Tariff means a document published by a public utility, and approved by the commission, that sets forth the services offered by that utility and the rates, terms and conditions for the use of those services." 4 C.S.R. 240–3.010(28). Thus, including the CWR in the Utilities' tariffs does not make it a rate requiring contested case procedures. *Id. at 335; emphasis supplied.*

considered and/or approved such tariff changes between rate cases). In many of these instances, such authority has been exercised to approve the very kind of tariff changes at issue in this case. Consider the two changes being proposed by the Company relating to budget billing and estimating usage. The first would simply bring to MGE's customers the same budget billing process that the Commission has already determined to be fair and reasonable for the customers of Laclede Gas. As a practical matter, this means that most MGE customers would be relieved of the possibility of having their billing amounts adjusted during February, the second coldest month of the year, and then again in July. Instead, adjustments would normally be made only once a year on the customer's anniversary date for enrolling the program. The second tariff change would allow the Company to estimate usage (in instances where a meter reading cannot be obtained) based on the historical usage at the customer's own location rather than on usage at comparable homes or business. The latter kind of data would only be used if usage data from the customer's own location was not available. This approach should make it easier to explain to the customer the basis for any estimate, place the customer in a better position to challenge it, and lead to better estimates. From a public policy perspective, both of these tariff changes will enhance customer service.

14. Staff's claim that the Commission cannot approve these tariff changes between rate case because they may affect how or when customers are billed is simply impossible to reconcile with the Commission's long-standing practices in this area. In fact, the Commission has for many years routinely approved and even initiated far more consequential changes to how and when customers are billed for utility service, notwithstanding the absence of any pending rate case proceeding. For example, over the past twenty years, the Commission has on multiple occasions adopted various changes to the terms and conditions under which customers could



maintain or restore utility service during the Cold Weather Rule period of November through March. *See e.g.* Case Nos. Case No. OX-83-172; AX-2002-203; and GX-2006-0181. These changes were, on various occasions, either sought by the Commission Staff, the Office of the Public Counsel, or the Commission itself. As a result of these initiatives, rules and/or tariff provisions were revised outside of a rate case on such critical billing terms as how much of an upfront payment the utility could bill customers to maintain or restore utility service; what kind of levelized billing arrangements must be provided by the utility, and how such levelized arrangements were to be calculated and applied. As previously discussed, the Commission's most recent action to approve such changes outside of a rate case was upheld by the court in *Missouri Gas Energy, et al vs. Public Service Commission, infra*.

15. Another example of significant billing process changes approved by the Commission outside of a general rate case occurred in 2002. In that instance, the Staff itself requested that a proceeding be initiated to determine, among other things, what tariff changes should be made in how and when local distribution companies, like Laclede, bill their customers for gas costs. *See In the Matter of the Review of the Purchased Gas Adjustment Clauses in the Tariffs of Local Distribution Companies*, Case No. GO-2002-452, Order Establishing Case, (March 26, 2002). As a result of this and subsequent initiatives over the next several years, Laclede and other Missouri gas utilities, filed and obtained PSC approval for sweeping changes in their tariffs relating to how they bill customers for these costs. Among other changes, these included a significant reduction in how frequently customers could be billed for gas costs (from up to 13 times per year to no more than 4 times per year); how carrying costs should be calculated for deferred gas cost balances; the interest rates to be applied to such deferred balances, and the price caps applicable to any changes. To Laclede's knowledge, at no time did

the Staff suggest that the Commission's legal authority to consider and approve these dramatic tariff changes in how and when customers are billed for this largest portion of their utility charges, simply because no rate cases were pending for the affected utilities.

16. The Commission has also approved numerous changes in other billing functions without a rate case pending. These have included tariffs permitting utilities to electronically bill their customers; *see e.g. Re Laclede Gas Company*, Case No. GE-2002-1159 (Commission approves rule variance and tariff permitting Laclede to implement electronic billing outside of a general rate case proceeding); *Re Missouri Gas Energy*, Case No. GE-2008-0352 (Commission approves rule variance and tariff permitting MGE to implement electronic billing option outside of a general rate case proceeding); *Re Empire District Electric and Gas Company*, Case Nos. EE-2012-0352; JE-2012-0603; JG-2012-0604; JW-2012-0605 (Commission approves variance and tariff permitting Empire Electric and Gas to implement electronic billing option); use of credit scoring in determining whether deposits for utility service may be assessed; *Re Missouri Gas Energy*, GT-2011-0375, Order Approving Unanimous Stipulation and Agreement and Approving Tariff (October 5, 2011) and the establishment of entire billing structures for certain non-conventional customers; *Re Kansas City Power and Light Company*, Case No. ET-97-113, Report and Order (July 2, 1997) (Commission approves billing structure for standby service to self-generating customers; *Re: Laclede Gas Company's CNG Tariff Filing* (Tariff filing to establish a rate and billing terms for use of compressed natural gas as a vehicle fuel. *Third Revised Tariff Sheet No. 11*, effective October 18, 1995. There are multiple, additional examples of where the Commission has approved other tariffs between rate cases that affect how and when the billing process is carried out. Suffice it to say, that the Commission has

appropriately recognized its authority to take such actions time and time again, and Staff's attempt to suddenly suggest that it lacks such power should be disregarded.

17. There are equally abundant examples of where the Commission has approved tariffs outside of a rate case with attributes similar to the main extension tariffs that are currently approved for Laclede Gas and that the Company simply proposes to implement in MGE's service territory. The primary effect of this proposal would be to increase the free footage allowance that MGE customers can receive when MGE is extending mains and services to their home or business. From a public policy perspective, there is certainly nothing untoward about permitting customers on the western side of the state to take advantage of the more generous extension terms that the Commission has already deemed to be just and reasonable for those living on the eastern side. Nevertheless, the Staff suggests that providing this benefit to customers outside of a rate case is unlawful.

18. Despite Staff's claims to the contrary, however, the Commission has routinely approved tariff provisions that provide customers with these kinds of financial benefits outside of a rate case. In a situation that is directly on point, the Commission approved a change to Laclede Gas' main extension tariffs in September 1991, even though no rate case was pending. The tariff change approved by the Commission increased the maximum amount of refund that customers could receive for contributions they had made in connection with the extension of gas facilities to their homes. See *Fourth Revised Tariff Sheet No. R-17*; effective September 13, 1991, which is attached hereto as Exhibit 2. Laclede is unaware of any party, including the Staff, who opposed this tariff change at the time it was being proposed on the theory that consumers were being afforded an additional financial benefit outside of a general rate case proceeding.

19. Tariff changes granting customers some form of additional financial benefit have also been approved by the Commission in a variety of other, non-rate case, contexts. In September 1995, for example, the Commission approved tariffs to implement an Energy Wise Program for Laclede Gas. Although approved outside a rate case, the tariffs establishing this program provided customers with financial incentives to install high-efficiency gas and electric equipment. More recently, the Commission approved, with Staff's full concurrence, changes to Laclede's Low-Income Energy Affordability Program during the winter of 2010. Among other things, these tariff changes reallocated a portion of the Program's funds to provide eligible customers with a one-time bill credit of 30% for their existing arrearages. See *Second Revised Tariff Sheet No. R-56*, effective November 26, 2010, which is attached hereto as Exhibit 3. Similar tariff changes to provide customers with this additional bill credit were also approved by the Commission in 2012 and 2013. See *Third Revised Tariff Sheet No. R-56*, effective December 9, 2011 and *Fourth Revised Tariff Sheet No. R-56*, effective December 9, 2013 which are attached hereto as Exhibits 4 and 5 respectively. Again, on each of these occasions, such financial benefits were afforded to customers even though no rate case was pending at the time.

20. Given this history, it is simply untenable to argue, as Staff does, that the Commission is powerless to approve the implementation of Laclede Gas' previously approved main extension tariffs in MGE's service territory. The financial benefit it would afford to a customer seeking to connect to MGE's system is indistinguishable in character from the wide variety of financial benefits that the Commission has routinely approved between rate cases in connection with other tariff filings. Simply put, there is no legal or policy basis for rejecting this tariff change.

**D. The Commission's authority to consider and approve the Revised Tariffs was recently recognized by the parties in Case No. GM-2013-0254.**

21. The Staff's attempt to rewrite Missouri law with its Motion to Reject is especially baffling and inappropriate given the terms of the Stipulation and Agreement which the Staff signed, and the Commission approved, in the recent MGE acquisition case, Case No. GM-2013-0254. In that Agreement, the parties went to some lengths to establish a framework for what kind of tariff filings the Company would be permitted to make following the acquisition. For example, the parties agreed in Paragraph 1 of that Stipulation and Agreement that Company would not be permitted to file tariffs proposing a general increase in rates prior to October 1, 2015, unless certain conditions occurred. Rate filings made pursuant to Company's PGA and the ISRS mechanism were excluded from the moratorium. *Id.* The Parties further agreed that the Company would not file tariffs seeking to change certain terms and conditions of its tariffs for transportation service, absent agreement by the parties.<sup>4</sup>

22. The Stipulation and Agreement left the Company free, however, to seek tariff changes relating to the terms, conditions and practices associated with providing non-transportation services. Among such tariff changes are those like the Revised Tariffs, which seek to implement the same budget billing process for both of its operating units – a result that is, in turn, absolutely essential to the Company's ability to achieve its integration goal of replacing MGE's old Customer Service System with Laclede's much newer CC&B system. Notably, the Company's plan to achieve this integration goal in 2015, prior to the end of the rate case moratorium, was fully disclosed and understood at the time the Stipulation and Agreement in

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<sup>4</sup>If the Commission generally lacked the authority to make changes to tariffs applicable to the terms, conditions and practices by which a utility renders utility service, there would have been no need to insert this specific limitation on the MGE's right to propose and seek to implement tariff changes relating to certain provisions of its transportation service. The fact that the parties agreed to such restrictions for transportation service clearly indicates their understanding that certain other tariff changes would not be inappropriate or prohibited.

Case No. GM-2013-0254 was negotiated and, as previously noted, the Agreement was intentionally structured so that the Company would have the flexibility necessary to seek, and obtain approval for, the kind of tariff changes necessary to achieve this goal.

23. If the Staff wanted to expand the restriction on seeking tariff changes between rate cases beyond those set forth in the Stipulation and Agreement it should have bargained for such an expansion in the negotiations that culminated in that Agreement. The Company could not and would have been able to agree to such terms, given the importance of such tariff changes to the Company's very ability to achieve the integration objectives that were and are an integral component of the acquisition. But at least the issue could have been raised and decided in the acquisition proceeding rather than just weeks before these critical integration measures are to be implemented. Staff should not be permitted to re-trade these critical elements of the Stipulation and Agreement at the last moment, especially on the basis of a deeply flawed legal argument that is completely unmoored from Missouri law and this Commission's long-standing practices.

Wherefore, for the foregoing reasons, Laclede Gas Company respectfully requests that the Commission deny Staff's Motion to Reject and promptly approve the Revised Tariffs with an effective date of September 8, 2015.

Respectfully Submitted,

**LACLEDE GAS COMPANY**

**/s/ Rick Zucker**

Rick Zucker, Mo. Bar #49211

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been duly served upon Counsel for the Staff of the Public Service Commission and the Office of the Public Counsel by hand delivery, email, fax, or United States mail, postage prepaid, on this 12th day of August, 2015.

**/s/ Marcia Spangler**

Marcia Spangler

**Exhibit 1**  
**Examples of Tariff Changes Considered and/or Approved**  
**Outside of General Rate Case Proceeding**

**September 1991 – Main Extension Tariffs**

Commission approve tariff change relating to Laclede Gas' main extension practices, increasing the maximum amount of refund that could be made to customers for contributions made in connection with such extensions. Fourth Revised Tariff Sheet No. R-17; effective September 13, 1991.

**August 1995 – Case No. GR-94-328**

Commission considers making changes to Laclede's PGA tariffs to reflect various rate design and cost allocation proposals in proceeding held after conclusion of rate case.

**October 1995 -- CNG Tariff**

Commission approves tariff for Laclede Gas to establish the terms, conditions and rates for sales of compressed natural gas for vehicle fuel use. Third Revised Tariff Sheet No. 11, effective October 18, 1995.

**1995 – 2002**

Commission approves multiple tariffs for MGE, Laclede Gas and Union Electric outside of general rate case proceedings to establish gas supply incentive plans and price stability programs. See e.g. *Re Missouri Gas Energy*, Case No. GO-94-318; *Re Laclede Gas Company*, Order Approving Unanimous Stipulation and Agreement; Case No. GO-2000-395; *Re Laclede Gas Company*, Case No. GO-2000-394.

**May 1997 – Case No. GO-95-320**

Commission approves a rule variance and tariff changes for Laclede Gas to implement a new statistical meter sampling program.

**July 2002 -- Case No. GE-2002-1159**

Commission approves rule variance and tariff permitting Laclede to implement electronic billing outside of a general rate case proceeding (even though tariff change was likely to produce savings that would eventually be shared by customers in a rate case).

**November 2004 – Case No GX-2004-0496**

Commission approves tariff change for Laclede Gas to establish a new definition of low-income customer and change eligibility requirements to qualify as a registered or elderly customer. Second Revised Tariff Sheet No. R-32.



### **November 2004 – Cold Weather Rule Tariff Changes**

Commission approves tariff changes to Cold Weather Rule provisions of Laclede Gas' tariff to reflect changes to Commission's Cold Weather Rule. *See* Second Revised Tariff Sheet no. R-32 and R-36; First Revised Tariff Sheet Nos. R-33; R-34; R-35 and R-36a; and Original Tariff Sheet No. R-36-b.

### **October 2006 – Cold Weather Rule Tariff Changes**

Commission approves tariff changes to Cold Weather Rule provisions of Laclede Gas' tariff to reflect changes to Commission's Cold Weather Rule.

### **August 2007 – Case No. GT-2008-0005**

Commission approves Stipulation and Agreement and tariff sheets to implement structure and procedures for MGE's Energy Efficiency Collaborative ("EEC") as well as a high-efficiency gas water heater replacement incentive program. Although the EEC was referenced in MGE's prior rate case, the EEC and the water heater incentive programs were implemented between rate cases through a separate case.

### **July 2007 – Case No. ET-97-113**

Commission approves billing structure for standby service provided by KCP&L to self-generating customers.

### **May 2008 – Case No. GE-2008-0352**

Commission approves rule variance and tariff permitting MGE to implement electronic billing option outside of a general rate case proceeding.

### **December 2010 – Tariff Change to Laclede Gas' Low-Income Affordability Program**

Laclede Gas files and the Commission approves tariff change to temporarily modify the Company's Low-Income Energy Affordability Program to reallocate funds to provide eligible customers with a one-time bill credit of 30% for their existing arrearages. Second Revised Tariff Sheet No. R-56, effective November 26, 2010.

### **December 2010 – Tariff Change to Establish a Temporary Emergency Natural Gas Repair Program**

Commission approved program to reallocate Low-Income Weatherization funds as established in prior rate case to fund a new temporary emergency natural gas equipment program. Original Tariff Sheet No. R-44-a, effective December 31, 2010.

### **October 2011 – Case No. GT-2011-0375**

Commission approves use of credit scoring for purposes of determining whether MGE may assess a deposit in connection with providing utility service.

**December 2011 – Tariff Change to Laclede Gas’ Low-Income Affordability Program**

Laclede Gas files and the Commission approves tariff change to temporarily modify the Company’s Low-Income Energy Affordability Program to reallocate funds to provide eligible customers with a one-time bill credit of 30% for their existing arrearages. Third Revised Tariff Sheet No. R-56, effective December 9, 2011.

**May 2012 – Case Nos. EE-2012-0352; JE-2012-0603; JG-2012-0604; JW-2012-0605**

Commission approves variance and tariff permitting Empire Electric and Gas to implement electronic billing option.

**December 2011 – Tariff Change for Laclede Gas’ Low-Income Affordability Program**

Laclede Gas files and the Commission approves tariff change to temporarily modify the Company’s Low-Income Energy Affordability Program to reallocate funds to provide eligible customers with a one-time bill credit of 30% for their existing arrearages. Tariff effective December 9, 2013. Fourth Revised Tariff Sheet No. R-56, effective December 9, 2013.

**January 2013 – Case No ET-2013-0351**

Commission approves tariff changes relating to Ameren’s net metering and co-generation tariffs.

**November 2013 – Tariff Change for Laclede Gas’ Low Income Affordability Program**

Laclede Gas files and the Commission approves tariff change to temporarily modify the Company’s Low-Income Energy Affordability Program to reallocate funds to provide eligible customers with a one-time bill credit of 30% for their existing arrearages. Tariff Effective December 9, 2013. *See* P.S.C. Mo. No. 5, Consolidated, Fourth Revised Tariff Sheet No. R-56.

**August 2014 – Case No. GO-2015-0031**

Commission approves MGE tariff revising terms of MGE’s temporary low-income energy affordability program from those approved in recent rate case.

**December 2014 – Case No. GO-2015-0149**

Commission approves tariff revision for Laclede Gas to revise the Direct Install Low Income Component of Laclede’s Conservation and Energy Efficiency Program to allow Laclede’s programs to mirror the eligibility requirements of the corresponding electric program offered by Ameren Missouri.

P.S.C. MO. No. 5 Consolidated, Fourth Revised Sheet No. R-17  
CANCELLING P.S.C. MO. No. 5 Consolidated, Third Revised Sheet No. R-17

Laclede Gas Company

Name of Issuing Corporation or Municipality

For Refer to Sheet No. R-1

Community, Town or City

RECEIVED

RULES AND REGULATIONS

AUG 14 1991

19. Extension of Distribution Facilities (Continued).

MISSOURI  
Public Service Commission

G. Refund of Contributions for Main Extensions. The Company will refund to the original contributor, an amount equal to the amount shown below, less the Company's cost to extend the service from the property line to the meter, for each customer connected to the main extension for which contribution was required, provided such customers are connected within four years of completion of the extension. The refund to be made will be determined by a survey of the additional customers connected to the extension. Such survey will be made within one year of the attachment of such customers. However, this Section G shall not apply to any contributions-in-aid-of-construction made pursuant to Alternate B of Section D, with respect to which no refunds will be made.

All Divisions - \$700

There shall be no refunds based on the attachments of customers to facilities which are main extensions of the customer extension for which contribution was originally made.

H. Refund Not to Exceed Original Contribution. In no event shall refund made to the applicant exceed the original contribution.

I. Title to the Customer Extension. All parts and portions thereof, regardless of any contribution made by the customer, shall be and remain in the Company.

FILED

SEP 13 1991

Public Service Commission

DATE OF ISSUE August 13, 1991  
month day year

DATE EFFECTIVE September 13, 1991  
month day year

ISSUED BY R. G. Jaudes, President, 720 Olive Street, St. Louis, MO 63101  
name of officer title address

**P.S.C. MO. No. 5 Consolidated, Second Revised Sheet No. R-56  
CANCELLING P.S.C. MO. No. 5 Consolidated, First Sheet No. R-56**

Laclede Gas Company

Name of Issuing Corporation or Municipality

For

Refer to Sheet No. R-1

Community, Town or City

**RULES AND REGULATIONS**

36. Low-Income Energy Affordability Program (continued)

11. Neither the Bill Payment Assistance Program nor the ARP will affect any of the provisions of the Cold Weather Rule, including the initial payment requirements thereunder; provided, however, that the monthly amounts due after deducting Bill Payment Assistances may be substituted in lieu of the monthly budget plan payments due under the Cold Weather Rule and in section 10(B) of the Company's tariff under the Cold Weather Maintenance of Service. No credit refunds shall be issued by the Company to a participant enrolled in the ARP or the Bill Payment Assistance Program for the life of the Program period.
12. Program tracking information will be collected by Laclede and the CAAs provided in Attachment 3 to the Stipulation and Agreement in GR-2007-0208; provided, however, that customers who opt out of levelized billing will be separated for information tracking purposes.
13. Any disagreement as to the interpretation or implementation of any of the foregoing items may be taken to the Commission for a decision.
14. On an experimental basis and for the period November 26, 2010 to March 1, 2011 only, a portion of the program funds for the 2010/2011 program year, not to exceed \$150,000, may be reallocated (thereby reducing on a dollar for dollar basis the amount available under the program for that year) to provide a one-time bill credit of 30% to those qualifying customers who are required to pay 80% of their existing arrearages in order to restore or maintain service under the provisions of the Commission's Cold Weather Rule. Until such time as the \$150,000 amount is exhausted, such credit shall be made to eligible customers on whose behalf a pledge is made by a participating CAA that, together with any payment by the customer, equals 50% of the customer's existing arrearages, provided that the customer has a household income equal to or less than 150% of the FPL. No customer shall receive a credit pursuant to this provision greater than \$500, or, in the case of a registered elderly and disabled customer, greater than \$1000. The provision of such a credit shall not preclude a participating customer from also being a participant in the Bill Payment Assistance Program or affect the customer's rights and obligations under the Cold Weather Rule. Any amounts not reallocated as bill credits under this paragraph shall remain available under the Low-Income Energy Affordability Program.

DATE OF ISSUE	November 15, 2010	DATE EFFECTIVE	November 26, 2010
	Month Day Year		<del>December 16, 2010</del>
ISSUED BY	M.C. Darrell, Senior Vice President and General Counsel, 720 Olive St., St. Louis, MO 63101		
	Name of Officer	Title	Address

P.S.C. MO. No. 5 Consolidated, Third Revised Sheet No. R-56  
 CANCELLING P.S.C. MO. No. 5 Consolidated, Second Revised Sheet No. R-56

Laclede Gas Company

Name of Issuing Corporation or Municipality

For

Refer to Sheet No. R-1

Community, Town or City

RULES AND REGULATIONS

36. Low-Income Energy Affordability Program (continued)

11. Neither the Bill Payment Assistance Program nor the ARP will affect any of the provisions of the Cold Weather Rule, including the initial payment requirements thereunder; provided, however, that the monthly amounts due after deducting Bill Payment Assistances may be substituted in lieu of the monthly budget plan payments due under the Cold Weather Rule and in section 10(B) of the Company's tariff under the Cold Weather Maintenance of Service. No credit refunds shall be issued by the Company to a participant enrolled in the ARP or the Bill Payment Assistance Program for the life of the Program period.
12. Program tracking information will be collected by Laclede and the CAAs provided in Attachment 3 to the Stipulation and Agreement in GR-2007-0208; provided, however, that customers who opt out of levelized billing will be separated for information tracking purposes.
13. Any disagreement as to the interpretation or implementation of any of the foregoing items may be taken to the Commission for a decision.
14. On an experimental basis and for the period ending March 31, 2012, a portion of the program funds for the 2011/2012 program year, not to exceed \$150,000, may be reallocated (thereby reducing on a dollar for dollar basis the amount available under the program for that year) to provide a one-time bill credit of 30% of existing arrearages to those qualifying customers who are required to pay 80% of their existing arrearages in order to restore or maintain service under the provisions of the Commission's Cold Weather Rule. Until such time as the \$150,000 amount is exhausted, such credit shall be made to eligible customers on whose behalf a pledge is made by a participating CAA that, together with any payment by the customer, equals 50% of the customer's existing arrearages, provided that the customer has a household income equal to or less than 150% of the FPL. No customer shall receive a credit pursuant to this provision greater than \$500 or, in the case of a registered elderly and disabled customer, greater than \$1000. The provision of such a credit shall not preclude a participating customer from also being a participant in the Bill Payment Assistance Program or affect the customer's rights and obligations under the Cold Weather Rule. Any amounts not reallocated as bill credits under this paragraph shall remain available under the Low-Income Energy Affordability Program.

DATE OF ISSUE	December 1, 2011	DATE EFFECTIVE	December 9, 2011
	Month Day Year		Month Day Year
ISSUED BY	M.C. Darrell, Senior Vice President and General Counsel, 720 Olive St., St. Louis, MO 63101		
	Name of Officer	Title	Address

EXHIBIT 5

P.S.C. MO. No. 5 Consolidated, Fourth Revised Sheet No. R-56  
CANCELLING P.S.C. MO. No. 5 Consolidated, Third Revised Sheet No. R-56

Laclede Gas Company

Name of Issuing Corporation or Municipality

For

Refer to Sheet No. R-1

Community, Town or City

RULES AND REGULATIONS

36. Low-Income Energy Affordability Program (continued)

- 11. Neither the Bill Payment Assistance Program nor the ARP will affect any of the provisions of the Cold Weather Rule, including the initial payment requirements thereunder; provided, however, that the monthly amounts due after deducting Bill Payment Assistances may be substituted in lieu of the monthly budget plan payments due under the Cold Weather Rule and in section 10(B) of the Company's tariff under the Cold Weather Maintenance of Service. No credit refunds shall be issued by the Company to a participant enrolled in the ARP or the Bill Payment Assistance Program for the life of the Program period.
- 12. Program tracking information will be collected by Laclede and the CAAs provided in Attachment 3 to the Stipulation and Agreement in GR-2007-0208; provided, however, that customers who opt out of levelized billing will be separated for information tracking purposes.
- 13. Any disagreement as to the interpretation or implementation of any of the foregoing items may be taken to the Commission for a decision.
- 14. On an experimental basis and for the period ending March 31, 2014, a portion of the program funds for the 2013/2014 program year, not to exceed \$150,000, may be reallocated (thereby reducing on a dollar for dollar basis the amount available under the program for that year) to provide a one-time bill credit of 30% of existing arrearages to those qualifying customers who are required to pay 80% of their existing arrearages in order to restore or maintain service under the provisions of the Commission's Cold Weather Rule. Until such time as the \$150,000 amount is exhausted, such credit shall be made to eligible customers on whose behalf a pledge is made by a participating CAA that, together with any payment by the customer, equals 50% of the customer's existing arrearages, provided that the customer has a household income equal to or less than 150% of the FPL. No customer shall receive a credit pursuant to this provision greater than \$500 or, in the case of a registered elderly and disabled customer, greater than \$1000. The provision of such a credit shall not preclude a participating customer from also being a participant in the Bill Payment Assistance Program or affect the customer's rights and obligations under the Cold Weather Rule. Any amounts not reallocated as bill credits under this paragraph shall remain available under the Low-Income Energy Affordability Program.

DATE OF ISSUE November 8, 2013  
Month Day Year

DATE EFFECTIVE December 9, 2013  
Month Day Year

ISSUED BY M.C. Darrell, Senior Vice President and General Counsel, 720 Olive St., St. Louis, MO 63101  
Name of Officer Title Address