

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

In the matter of	)	
	)	
USW Local 11-6,	)	GC-2006-0390
	)	
and	)	
	)	
Laclede Gas Company	)	

**USW LOCAL 11-6’S OPPOSITION TO LACLEDE’S MOTION TO DISMISS  
COMPLAINT OR, IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE  
STATEMENT, AND MOTION TO STRIKE REQUEST FOR RELIEF**

Comes now USW Local 11-6 (“USW 11-6” or the “Union”) and responds to Laclede Gas Company’s (“Laclede”) motion to dismiss or, in the alternative, motion for a more definite statement, and motion to strike for request for relief as follows:

1. Laclede's claim in paragraph 2 of its Motion to Dismiss that the Union has failed to set forth “any act or thing done or omitted . . . that violates a law, or a rule, order or decision of the Commission” is erroneous. The Union states or implies in the Complaint that Laclede has contracted with Cellnet to use subcontractors of Cellnet to install its AMR device and that the use of these poorly trained subcontractors violates the requirement of R.S.Mo. §393.130 that Laclede provide safe and adequate gas service. Complaint ¶¶6-8, 12, 14-15.

2. Laclede’s insistence that it has not been shown any factual basis for the Union’s Complaint is premature and disingenuous. Laclede will have ample opportunity in this proceeding to conduct discovery about the Union’s knowledge of leaks caused by AMR installation. Indeed, the Union has previously produced information of numerous leaks caused in this manner in the course of discovery and testimony in another case before the Commission, *USW Local 11-6 v. Laclede Gas Company*, GC-2006-0060.

3. Laclede speciously contends that this is an attempt by the Union “to reel in more jobs or duties for Union members at the expense of ratepayers” and that USW 11-6 “dispenses with any pretense and makes a bald-faced demand that the Commission order Laclede to exclusively use Union members to install AMR units, and to check those units that have already been installed.” Laclede’s perspective of USW 11-6’s pleadings is characteristically self-serving. The relief requested by USW 11-6 is the only reasonable response to the harm alleged here: when left to its own devices, Laclede subcontracted AMR installation to poorly trained installers whose work has resulted in numerous leaks and other problems, as described *inter alia* in the testimony of Kevin Stewart in GC-2006-0060. Nor is it in the ratepayers’ financial interest to have Laclede’s highly-paid managerial personnel install the devices (who may or not be trained gasworkers). Assuming the Union can prove that AMR devices are currently being installed improperly and unsafely, Laclede needs to be directed to use trained gasworkers to install and/or supervise the installation of the AMR devices in order to ensure public safety. This relief is clearly authorized by R.S.Mo. §386.310.1 to remedy an existing unsafe practice.

Respectfully submitted,

/s/ Sherrie A. Schroder  
SHERRIE A. SCHRODER, MBN 40949  
JANINE M. MARTIN, MBN 46465  
DIEKEMPER, HAMMOND, SHINNERS,  
TURCOTTE AND LARREW, P.C.  
7730 Carondelet Avenue, Suite 200  
St. Louis, Missouri 63105  
(314) 727-1015 (Telephone)  
(314) 727-6804 (Fax)  
[saschroder@dhstl.com](mailto:saschroder@dhstl.com) (E-mail)  
[jmartin@dhstl.com](mailto:jmartin@dhstl.com) (E-mail)

Attorneys for United Steelworkers of America  
Local No. 11-6, AFL-CIO

### **Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing was served on May 30, 2006, by United States mail, hand-deliver, email, or facsimile upon:

General Counsel Office  
Missouri Public Service Commission  
[GenCounsel@psc.mo.gov](mailto:GenCounsel@psc.mo.gov)

Lewis Mills  
Office of Public Counsel  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Marc Poston  
Office of Public Counsel  
[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

Tim Schwarz  
Missouri Public Service Commission  
[Tim.Schwarz@psc.mo.gov](mailto:Tim.Schwarz@psc.mo.gov)

Michael C. Pendergast  
Vice President – Associate General  
Counsel of Laclede Gas Company  
[mpendergast@lacledegas.com](mailto:mpendergast@lacledegas.com)

Rick Zucker  
Laclede Gas Company  
[rzucker@lacledegas.com](mailto:rzucker@lacledegas.com)

/s/ Sherrie A. Schroder \_\_\_\_\_