

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

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

**RESPONSE IN OPPOSITION TO
MOTION OF USW LOCAL 11-6 TO FILE TESTIMONY OUT OF TIME**

COMES NOW Laclede Gas Company (“Laclede”) and for its Response in Opposition to Motion USW Local 11-6 to File Testimony Out of Time, states as follows:

1. On December 21, 2006, USW Local 11-6 filed a Motion in the above captioned proceeding in which it requested authority to submit additional testimony out of time concerning an alleged drill-through of a meter on November 9, 2006, and a more recent situation in which a customer called in a leak after a Cellnet employee had worked on an AMR installation. Laclede strongly opposes the Union’s request for several reasons.

2. First, it is neither fair to the other parties nor in the interest of public safety to repeatedly ignore the procedural deadlines that were established in this case for the filing of testimony. As Laclede indicated during the evidentiary hearing in this case, the suspicious circumstances involving the alleged drill-through of a meter on November 9, 2006, are under active investigation. So too is the most recent situation alluded to by the Union in its Motion. Laclede fully intends to provide the Commission’s Safety Staff with whatever information it may desire in connection with these situations and will share the results of its investigation with the Commission Staff once it is completed. If any

corrective action is necessary to protect public safety, the Commission can be confident that Laclede will take the appropriate action.

3. To date, however, Laclede has found no evidence to suggest that there is any material flaw in the practices or procedures followed by Cellnet or any other contractors involved in the installation of AMR devices that would pose a threat to public safety. Nor, in Laclede's view, has the Union submitted any meaningful evidence to support its contentions to the contrary, despite having had more than a year since AMR installations began in July 2005 to gather and present such evidence.

4. Indeed, that is precisely why the Union is now seeking to supplement its evidentiary presentation in direct contravention of Commission Rule 4 CSR 240-2.130 (8). Enough is enough. Both Laclede and the Staff have already expended significant resources to investigate and refute the "evidence" that has been offered by the Union in its efforts to convince the Commission that there is something wrong or unsafe about an installation process that has been safely used millions of times without incident. Neither of these parties should be put to that task yet again.

5. This is particularly true given the fact that it was the Union that chose when to file this complaint and what allegations to make in doing so. It was also the Union that freely agreed to what filing dates would be sufficient to provide all parties with a reasonable opportunity to offer evidence in support or opposition to these allegations. And given the fact that hundreds of thousands of AMR installations were completed prior to the time the Union filed its direct testimony on September 26, 2006, it is clear that the Union has indeed been given ample opportunity to prove its reckless allegations, assuming that such proof existed. Indeed, as the sponsor of some 20 separate

witnesses in this case, the Union has already been given extraordinary latitude by the Commission to present testimony and evidence in support of its claims. In view of these considerations, Laclede respectfully suggests that there is no good reason to deviate from the testimony filing requirements in this case simply because the Union is claiming that two isolated and unrelated instances out of more than 600,000 AMR installations allegedly support its case.

WHEREFORE, Laclede Gas Company respectfully requests that the Commission deny the Union's Motion to File Testimony Out-of-Time.

Respectfully submitted,

LACLEDE GAS COMPANY

/s/ Michael C. Pendergast

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the General Counsel of the Commission, the Office of the Public Counsel and USW Local No. 11-6, on this 2nd day of January, 2007, by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker