

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

In the Matter of the Application of Weber Gas )  
Energy, LLC for a Certificate of Public Convenience )  
and Necessity to Construct and Operate a Natural )  
Gas Distribution System and Gas Utility to Serve ) **Case No. GA-2007-0271**  
Portions of St. Louis County, Missouri and Certain )  
Incorporated Areas therein and Establishment of )  
Utility Rates. )

**APPLICATION TO INTERVENE**

COMES NOW Laclede Gas Company ("Laclede" or "Company") and pursuant to 4 CSR 240-2.075 of the Commission's Rules of Practice and Procedure files its Application to Intervene. In support of its Application, Laclede respectfully states as follows:

1. Laclede is a gas corporation and public utility incorporated under the laws of the state of Missouri, with its principal office located at 720 Olive Street, St. Louis, Missouri 63101. Laclede is engaged in the business of distributing and selling natural gas to customers in the City of St. Louis and the Counties of St. Louis, St. Charles, Crawford, Jefferson, Franklin, Iron, Ste. Genevieve, St. Francois, Madison and Butler in Eastern Missouri, subject to the jurisdiction of the Missouri Public Service Commission (the "Commission"). Laclede is a Missouri corporation and a Certificate of Good Standing from the Missouri Secretary of State, which certificate was submitted as an Exhibit to Laclede's Application in Case No. GF-2007-0220, remains current and correct, and is incorporated herein by reference.

2. Communications in regard to this Application should be addressed to:

Michael C. Pendergast  
Vice President-Associate General Counsel  
Laclede Gas Company  
720 Olive Street, Room 1520  
St. Louis, MO 63101  
(314) 342-0532  
mpendergast@lacledegas.com

3. Laclede has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates.

4. Laclede is current on its annual report and assessment fee obligations to the Commission, and no such report or assessment fee is overdue.

5. On January 17, 2007, Weber Gas Energy, LLC (“Weber”) filed an application for a certificate of convenience and necessity to construct and operate a natural gas distribution system in portions of St. Louis County, Missouri. As a local natural gas distribution company that is certified to provide gas sales, distribution and other related services in the same areas for which the certificate is sought by Weber, Laclede has a direct interest in the matters being addressed in this proceeding. Such interest is different from that of the general public and may be adversely affected by a final order arising from this case.

6. Because Weber has not yet filed its feasibility study setting forth the kind of information necessary to evaluate the merits and practicality of its proposal, neither Laclede, nor any party for that matter, can form a definitive position with regard to the relief sought in this proceeding. At this point, however, Laclede can state that it supports, on both environmental and economic grounds, the goal of using landfill gas for productive purposes where such use is feasible, safe and consistent with other policy

objectives. In fact, Laclede has previously accommodated arrangements to use such gas in its certificated service area where the gas was being supplied to a single school, and has participated in discussions to purchase such gas for its own use.

7. To achieve this goal, however, Laclede does not believe it is either necessary or appropriate to duplicate existing natural gas distribution facilities as apparently contemplated by the Application in this case. It is has long been recognized by this Commission that neither the public nor utility customers stand to benefit from transactions that would lead to a duplication of existing natural gas distribution facilities. To the contrary, such duplication is uneconomic and wasteful in that it requires utility customers to support the investment and operational costs associated with building and maintaining two sets of facilities where only one is necessary. It also exposes communities and other service providers to the added disruptions and not inconsiderable burdens that arise from having to accommodate and work around two underground infrastructure systems that are serving the exact same purpose. In recognition of these detriments, the Commission has consistently taken measures to prevent bypass arrangements that would result in this kind of duplication, ranging from the establishment of conditions that affirmatively prohibit an applicant from engaging in bypass activities, to the outright denial of a request for certificate authority in instances where the transaction would, in fact, result in a bypass of the local distribution company's facilities. *See e.g. Re Gateway Pipeline Company, Inc.*, 10 Mo. P.S.C. 3d 520, Case No. GM-2001-585, Report and Order (October 9, 2001); *Re Missouri Pipeline Company*, 5 Mo. P.S.C. 3d 38, Case No. GA-96-130, Report and Order (June 5, 1996).

8. While Laclede fully intends, as it has in the past, to cooperate in exploring potential ways to use landfill gas more effectively, it believes that any Commission action on the relief requested in this proceeding should be consistent with these long-standing principles.

**WHEREFORE**, for the foregoing reasons, Laclede Gas Company respectfully requests that the Commission issue its order granting Laclede's Application to Intervene and permitting Laclede to intervene and participate as a party in all respects in this proceeding.

Respectfully requested,

**/s/ Michael C. Pendergast**

Michael C. Pendergast #31763  
Vice President and Associate General Counsel  
Rick Zucker #49211  
Assistant General Counsel

Laclede Gas Company  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Application to Intervene of Laclede Gas Company has been duly served upon all parties of record by email, facsimile, or by regular mail, postage prepaid, on this 20th day of February, 2007.

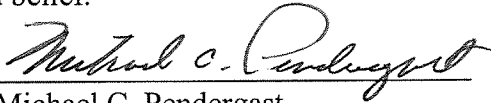
**/s/ Gerry Lynch**

Gerry Lynch

**VERIFICATION**

STATE OF MISSOURI     )  
  ) SS.  
CITY OF ST. LOUIS     )

I, Michael C. Pendergast, being first duly sworn, verify that I am an officer and an attorney for Laclede Gas Company. I am licensed to practice law in the State of Missouri and have been authorized to file the foregoing Application to Intervene, which is correct to the best of my knowledge, information and belief.

  
Michael C. Pendergast

Subscribed and sworn to before me this 20th day of February, 2007.



My Commission expires: February 18, 2008

KAREN A. ZURLIENE  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI, CITY OF ST. LOUIS  
MY COMMISSION EXPIRES FEBRUARY 18, 2008