

**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.)

LACLEDE GAS COMPANY’S RESPONSE
TO THE UNION’S OPPOSITION TO LACLEDE’S MOTIONS

COMES NOW Laclede Gas Company (“Laclede” or “Company”) and files this response to the opposition of USW Local 11-6 (the “Union”) to certain motions filed by Laclede, and in support thereof, states as follows:

1. On April 11, 2006, Laclede received a Notice of a Complaint filed in this case by the Union. On May 11, 2006, Laclede filed its Motion to Dismiss Complaint or, in the alternative, Motion For a More Definite Statement, and Motion to Strike Request for Relief and, in the Alternative, Answer to Complaint. On May 30, 2006, the Union filed its opposition to Laclede’s motions (the “Opposition”).

2. Regarding the Motion for a More Definite Statement, in both the Complaint and the Opposition, the Union asserts that the non-union installers of automated meter reading (“AMR”) units are inadequately trained. This assertion is made “upon information and belief.” Not one *fact* regarding the training, or lack thereof, is provided in the Complaint to support this claim. In response to Laclede’s Motion, the Union provided zero *facts* regarding the training, or lack thereof, to support this claim.

3. In both the Complaint and the Opposition, the Union asserts that the non-union installers of AMR units have caused “numerous” gas leaks and other problems, such as meter damage. In the Complaint, the assertion is made “upon information and belief.” The Complaint fails to state even one *fact*, much less numerous instances, of a gas leak or meter damage caused by an AMR installer. In response to Laclede’s Motion, the Union asserts that the testimony of Kevin Stewart in GC-2006-0060 “describes” such leaks and other problems. To the contrary, the testimony of Mr. Stewart in that case describes *nothing* in the way of specific details to which Laclede could respond, as further illustrated by the Union’s failure to attach or cite any information from Mr. Stewart’s deposition that would suggest otherwise.

4. Instead of providing any facts, the Union asserts that Laclede’s pleading is premature, and that Laclede may conduct discovery to find out what the Union knows, if anything, about leaks allegedly caused by AMR installations. The Union has reversed the burdens. In order to state a complaint, the complainant has an obligation to state facts that at least allege acts done or omitted by the Respondent which, if true, would constitute a violation of a law or a rule, decision or order of the Commission. The Union does not state a complaint by alluding to a vague belief and then asserting that the party complained against will have an “opportunity” to find out more in discovery.

5. The Union has also failed to provide any substantive response to Laclede’s motion to strike the Union’s request that the Commission order Laclede to use only Union members to install AMR units. Laclede’s motion to strike was based on the grounds that such an order would impermissibly interfere with both management’s authority to operate its business and with a labor-relations matter. In its Opposition, the

Union simply asserts that *Laclede's* position is self-serving, and contends, without explanation, that its requested relief is the only reasonable response. In doing so, the Union does not even attempt to address why other reasonable alternatives (such as remedying any alleged shortcomings in the training of the current AMR installers), would not be appropriate in the unlikely event that it was able to show that such shortcomings exist. Nor does the Union address in any way the issue of the authority of the Commission to order a specific remedy that is both in the province of utility management and the subject of a collective bargaining agreement.

6. In summary, in response to Laclede's motions, the Union has provided no facts to support its allegations, and no legal arguments to support its requested relief. In light of this total dearth of facts and law, Laclede believes that the Complaint should be dismissed.

WHEREFORE, Laclede respectfully requests that the Commission dismiss the Complaint, and grant the Company such other and further relief to which it may be entitled.

Respectfully Submitted,

/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 Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 8th day of June, 2006 by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker_____