

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

In the Matter of Laclede Gas Company's)
Purchased Gas Adjustment for 2004-2005) **Case No. GR-2005-0203**

In the Matter of Laclede Gas Company's)
Purchased Gas Adjustment for 2005-2006) **Case No. GR-2006-0288**

**LACLEDE GAS COMPANY'S REQUEST FOR SPECIAL AGENDA MEETING
TO VOTE ON MOTIONS FOR RECONSIDERATION**

COMES NOW Laclede Gas Company ("Laclede" or the "Company") and in support of its Request for Special Agenda Meeting to Vote on Motions for Reconsideration, respectfully states as follows:

1. After more than six months of litigation over Staff's request to obtain certain information relating to transactions between a Laclede affiliate and third parties, which included the filing of multiple pleadings, the extraordinary holding of a full oral argument and the submission of proposed orders by all the parties, the Commission issued its Order Denying Motion to Compel in these cases (the "Order") on April 22, 2009.

2. On May 1 and May 4, 2009, the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC") filed Motions for Reconsideration of the Order. On May 8, 2009, Laclede filed a very brief, two and a half page response to these Motions in which it asserted that neither Staff nor Public Counsel had raised anything new in their respective pleadings; that all of their arguments had indeed already been presented and considered with a thoroughness that was virtually

unprecedented for a discovery issue, and that the Commission should therefore promptly deny such Motions.¹

3. At the Commission's Agenda meeting today, the Regulatory Law Judge assigned to this case acknowledged that the Motions did not, in fact, raise any new issues for reconsideration. Despite the fact that this would have normally resulted in a prompt denial of the Motions for Reconsideration, the matter was not placed on the Commission's Agenda for meetings to be held on May 13 or on May 21. Instead, such action was delayed on the asserted grounds that Staff might wish to file a reply to Laclede's two and half page response. It is difficult to see such a reason as anything more than a pretext for artificially delaying consideration of these Motions, when one considers that such a reply is not contemplated by the Commission's rules, that Staff had not even requested the opportunity to file such a reply, and that such a reply would, in any event, have been directed at a Laclede response that said nothing more than what the Regulatory Law Judge himself has apparently concluded -- i.e. that the Motions had raised no new issues for Commission consideration.

4. Nevertheless, consideration of the matter was successfully delayed until the Commission's May 27, 2009 Agenda meeting. Amazingly, when the matter was finally placed on the Agenda for consideration, however, it was denoted as a "discussion item" rather than as an order denying motions for reconsideration. That's right! Even though the Regulatory Law Judge had, by his own admission, already determined that the Motions for Reconsideration had raised no new issues, he nevertheless put them on the agenda for discussion rather than a vote, presumably on the theory that one or more of the

¹Although Laclede filed and served its Response on May 8, 2009, it was not denominated as filed in EFIS until May 11, 2009, apparently because May 8th was being observed as a State holiday.

commissioners may have been swayed by the simple reiteration of arguments they had already considered and rejected. Obviously, the only appropriate action under these circumstances would have been to put the matter on the agenda for a vote denying motions for reconsideration/and or clarification.

5. In short, there is no valid reason why this matter was not placed on the May 13 Agenda or the May 21 Agenda. There is also no valid reason why this matter was placed on the May 27 Agenda for discussion and not as an order. But there is a bad one. It is abundantly clear to Laclede that this most recent action was just part and parcel of an effort to delay consideration on this matter so that it may be voted on by a newly constituted Commission, rather than the Commission that has read the pleadings and heard the arguments on this issue over the past six months. It is one thing for commissioners to come and go as their terms expire; it is quite another for matters to be artificially delayed so that a new Commission may come to a different result. This unmistakably demonstrates a prejudice against the party, in this case Laclede, that stands to potentially suffer as a result of this gaming of the system, and a disservice to an institution that is obligated to administer justice to all parties in a fair, transparent and impartial way.

6. Fortunately, it is not too late to correct this injustice. It should take a very short time, a matter of minutes, to write the order denying motions for consideration and/or clarification that should have been written and placed on the Commission's agenda three weeks ago. And it should take an even shorter time to conduct an agenda meeting to record the votes of the commissioners who reaffirmed today that the motions for reconsideration and or/clarification should be denied.

7. For all of these reasons, Laclede accordingly requests that the Commission schedule a special agenda for May 28 or May 29, 2009, so that the current commissioners may finally dispose of these Motions for Reconsideration and/or Clarification as they would have already done had the process not been manipulated in an apparent and inappropriate effort to prevent such a result.

WHEREFORE, Laclede respectfully requests that the Commission grant this motion and place these matters on a special agenda for decision on May 28 or 29, consistent with the vote taken at the May 27 agenda meeting.

Respectfully submitted,

/s/ Michael C. Pendergast

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been duly served upon the General Counsel of the Staff and the Office of the Public Counsel by email or United States mail, postage prepaid, on this 27th day of May, 2009.

/s/ Gerry Lynch

Gerry Lynch