

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

TO: THE SECRETARY OF THE COMMISSION

**LACLEDE GAS AND MISSOURI GAS ENERGY'S
REQUEST FOR WAIVER OF RULE 4.020(2)
FOR UPCOMING ISRS CASE FILINGS
OR IN THE ALTERNATIVE
NOTICE OF INTENDED CASE FILINGS**

AND MOTION FOR EXPEDITED TREATMENT

COMES NOW Laclede Gas Company (“Laclede”), on behalf of its operating units, Laclede Gas (“Laclede Gas”) and Missouri Gas Energy (“MGE”) and, pursuant to Commission Rule 4 CSR 240-4.020(2)(B), files this request for waiver of the notice provisions of Rule 4.020(2), and in the alternative, provides this Notice of Intended Case Filings. In support thereof, Laclede respectfully states as follows:

1. Commission Rule 4 CSR 240-4.020(2) provides, in part, as follows:

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission.

2. Rule 4.020(2)(B) permits a party to request a waiver of the above cited rule for good cause. Laclede asserts that good cause stems from the routine nature of ISRS filings, especially as Laclede’s two operating units, Laclede Gas and MGE, work through their safety replacement programs. Because both of those companies file ISRS cases twice per year on a regular basis, the routine filing of such cases on such a schedule

can be, and is, expected by all parties involved, and therefore, a notice is superfluous and unnecessary.¹

3. In a previous Laclede Gas ISRS case, Case No. GO-2011-0361, Laclede argued that Rule 4.020(2) should be waived based on the regular and routine nature of both ISRS filings and the cases themselves, which cases were not contested and in which no hearings had been held. The Commission granted the waiver.

4. Based on experience in recent ISRS cases and the degree to which potential issues have already been raised and resolved by the Commission, it is difficult to determine the likelihood that the upcoming ISRS filings will become contested cases. Regardless, the routine and regular filings of the twice per year applications have not changed. Providing 60 day notice of these filings therefore has no substantive benefit; instead the notice serves as an administrative and procedural barrier to Laclede Gas' and MGE's fundamental statutory and constitutional right to file petitions at a time of their choosing. Laclede therefore asks that the 60 day notice requirement be waived for Laclede Gas and MGE for the upcoming ISRS filings which Laclede Gas and MGE intend to file on or shortly after February 1, 2017.

5. In the event that a waiver is not granted, Laclede hereby provides notice that it intends to file its next ISRS cases in 60 days.

MOTION FOR EXPEDITED TREATMENT

6. Laclede is preparing to file its next ISRS applications in the near future. Laclede respectfully requests that the Commission grant it a waiver to make these filings on or after February 1, 2017.

¹ As Laclede has steadily worked through its safety programs, ISRS cases have become as regular as ACA cases, which occur routinely and for which no Section 4.020(2) notice of intended case has been required.

10. Laclede believes that filing ISRS cases at the time requested will help both the utilities and other parties administer the ISRS cases in a way that causes less interference with the preparation and processing of the rate cases Laclede intends to file in April. Granting this request will not negatively affect Laclede Gas or MGE customers, or the public, but will be consistent with the more timely cost recovery of safety investments as Laclede Gas and MGE work through their accelerated replacement projects, as contemplated by the legislature in its ISRS statute.

11. This pleading was filed as soon as it could have been following the Company's business decision to initiate ISRS filings sooner rather than later.

WHEREFORE, Laclede Gas and MGE respectfully request that the Commission waive the notice requirements of Commission Rule 4.020(2) for their next upcoming ISRS cases, and permit them to file those cases on or after February 1, 2017.

Respectfully submitted,

/s/ Rick Zucker

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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 on the Office of the Public Counsel by hand delivery, email, fax, or United States mail, postage prepaid, on this 16th day of January, 2017.

/s/ Rick Zucker