

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

In the Matter of Laclede Gas Company's)
Application for a Variance from the)
Provisions of Commission Rules) Case No. GE-2011-0171
Regarding the Timing of CAM Annual)
Reports.)

**STAFF RESPONSE TO LACLEDE GAS COMPANY'S VERIFIED
APPLICATION FOR VARIANCE AND MOTION TO PERMIT LATE FILING**

COMES NOW, the Staff of the Public Service Commission, (Staff). by and through undersigned counsel pursuant to and for its answer to Laclede Gas Company's Verified Application for Variance and Motion to Permit Late Filing states:

1. Counsel for Staff requests the Commission permit late filing this Response. In support thereof Counsel states that during time away from the office counsel did not become aware of the Commission's order in a timely manner.

2. Counsel further states no one will be prejudiced by delay of a single day in making this response.

3. Staff further states that while Staff has no opposition to the Commission granting Laclede a Variance or Waiver from the Commission's affiliate transactions rules Staff has repeatedly urged Laclede to file for a waiver from the rules requirements.

4. In paragraph 10 Laclede asserts "[b]ased on an understanding reached with Staff . . . , Laclede has for the past few years filed its affiliate transactions information on a fiscal year basis. To the extent Staff knew Laclede was filing based on a fiscal year basis, that representation is accurate.

5. The discussion with OPC and Staff led to Laclede agreeing to submit its report on or before December 15, since this allowed Laclede the same time for completion that the rule imposes on all other utilities that are in compliance with the affiliate transactions rules

6. Staff did not agree this practice was compliant with the Commission's rules, and, urged Laclede to file for a variance because, while some of the information is submitted early, one-fourth of the information is actually submitted late and the date Laclede is submitting some of its information is not the date required by the rule.

7. Even if Staff had agreed this practice was in compliance with Commission Rules, which it did not, Staff cannot waive the Commission's Rules, Laclede's obligation to comply with the Commission's rules, or to timely request a waiver or variance from the rules.

8. Staff uses the term submitted, and not filed as Laclede has, because the information is submitted to Staff and the Office of the Public Counsel, not filed with the Commission.

9. The requirement that Laclede request a waiver from the Commission's Affiliate Rules was part of the settlement in Laclede's rate last case.

WHEREFORE Staff states it does support Laclede's request for variance from the Commission's Rules, but further states it never agreed to Laclede's delay in filing for such variance and has urged Laclede to make such a filing since 2003. Staff also requests the Commission accept this pleading one day out of time noting that no party will be prejudiced by the Commission granting a one-day delay in responding.

Respectfully submitted,

/s/ Lera L. Shemwell

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, e-mailed or transmitted by facsimile to all counsel and parties of record this 4th day of January, 2011.

/s/ Lera L. Shemwell