

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

In the Matter of Laclede Gas Company's    )  
Tariff to Revise Natural Gas Rate    )    Case No. GR-2005-0284  
Schedules.    )

**JOINT MOTION FOR RECONSIDERATION  
AND REQUEST FOR EXPEDITED TREATMENT**

COME NOW Laclede Gas Company ("Laclede" or "Company"), by counsel, and the Office of the Public Counsel ("Public Counsel"), by counsel, and respectfully request that the Missouri Public Service Commission (the "Commission") reconsider its *Order Directing Filing* dated August 12, 2005 and relieve the parties to this proceeding from the obligations contained in said *Order*. Additionally, Laclede and Public Counsel, pursuant to 4 CSR 240-2.080(16), request expedited treatment and a ruling on this Motion for Reconsideration by August 18, 2005. In support of this Motion for Reconsideration and Request for Expedited Treatment, the movants state as follows to the Commission:

**Background Information**

1. Local public hearings are currently scheduled in this matter for Wednesday, August 24, 2005.

2. In the Joint Motion to Suspend Procedural Schedule filed herein on August 1, 2005, Laclede, the Staff of the Commission ("Staff"), and Public Counsel indicated that they had reached a "tentative settlement" and expressed the desire to file a unanimous stipulation and agreement resolving all issues in dispute in this matter on or before August 26, 2005, "subject to receipt of comments at the local public hearings."

3. By its *Order* of Friday, August 12, 2005, the Commission expressed its desire for the public to “know the practical effect of the agreement,” and the Commission directed the parties to jointly file a pleading “summarizing the practical effects of their tentative agreement.”

#### Requested Relief and Argument

4. Public Counsel and Laclede hereby request that the parties to this matter be relieved of the obligation to file a summary of the parties’ “tentative agreement.” Staff is aware of this request and has no position regarding the request at this time.

5. The *Order* requires a filing by the parties by Friday, August 19, 2005. As such, Laclede and Public Counsel are requesting expedited treatment and a ruling on their Motion for Reconsideration by August 18, 2005. Considering the date of the *Order*, the parties have acted as quickly as possible in filing this Motion.

6. While the parties have reached an “agreement in principle” which will dispose of all issues in dispute in this case, the parties are still in the process of finalizing certain critical details of the tentative agreement. For example, the parties just met yesterday with a St. Louis social service agency in an effort to complete the final details of a new low-income energy assistance program. In addition, the specific language of the stipulation and agreement and the implementing tariffs are still under review and being discussed by the parties. In view of these considerations and given the fact that, by its very terms, all matters to be addressed by the stipulation are interdependent, Public Counsel and Laclede believe that it would be premature to mention certain aspects of the agreement until all are finalized. Indeed, Laclede and Public Counsel are concerned that revealing the results of the parties’ privileged

discussions by disclosing the terms and practical effects of any tentative agreement would potentially violate the conditions pursuant to which these settlement discussions were undertaken.<sup>1</sup>

7. Additionally, it was the expectation of the parties that members of the public – the Public Counsel’s clients – would have an opportunity to comment on the proposed rate increase at the public hearings to be held for that purpose before any formal agreement would be submitted. For this reason, the parties stated in their Joint Motion to Suspend Procedural Schedule that the filing of any agreement was “subject to” receipt of comments at the public hearings. Hence, the parties contemplate that, as in the past, the public hearing will consist of comment on the proposed rate increase, and Laclede, Public Counsel and, of course, the Staff will be fully prepared to answer any questions regarding their position on that filing.

8. Laclede and Public Counsel certainly understand and appreciate the perspective that it might be useful to have certain terms of the tentative agreement available prior to the public hearings. It is common practice, however, for stipulations and agreements to be entered into only after public hearings. It is also common practice for public hearings to take place without the public being informed of the status of privileged settlement negotiations between the parties.

WHEREFORE, for the good cause shown above, Laclede Gas Company and the Office of the Public Counsel respectfully request that the Missouri Public Service Commission reconsider its *Order Directing Filing* dated August 12, 2005, relieve the parties of the obligation to file a pleading summarizing the effects of the settlement

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<sup>1</sup> “Facts disclosed in the course of a pre-hearing conference and settlement offers are privileged and . . . shall not be used against participating parties unless fully substantiated by other evidence.” 4 CSR 240-

arrangement on or before August 19, 2005, and thereafter proceed with the local public hearings as currently scheduled on August 24, 2005.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, hand delivery, or electronic transmission, on this 17<sup>th</sup> day of August, 2005, to counsel for all parties in the captioned-proceeding, Case No. EO-2005-0284.

/s/ Diana C. Carter