

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

In the Matter of the Verified Application and)	
Petition of Laclede Gas Company to Change)	<u>File No. GO-2015-0178</u>
Its Infrastructure System Replacement Surcharge)	Tariff No. YG-2015-0252
In its Laclede Gas Service Territory)	

In the Matter of the Application of Missouri Gas)	
Energy, an Operating Unit of Laclede Gas Company,)	<u>File No. GO-2015-0179</u>
For Approval to Change its Infrastructure System)	Tariff No. YG-2015-0255
Replacement Surcharge)	

**JOINT NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

COMES NOW Laclede Gas Company (“Laclede”), Missouri Gas Energy, an Operating Unit of Laclede Gas Company (“MGE”) (collectively “the Companies”), the Staff of the Missouri Public Service Commission (“Staff”), and the Office of the Public Counsel (“OPC”) (all collectively “the Parties) and, pursuant to Commission Rule 4 CSR 240-2.116(1), hereby notify the Commission of the voluntary dismissal without prejudice of the above-captioned Applications by the Companies, with the written consent of all the parties. In support thereof, the Parties respectfully state as follows:

1. On January 30, 2015, Laclede filed its Verified Application and Petition to Change its Infrastructure System Replacement Surcharge (“ISRS”) (File No. GO-2015-0178). That same day, MGE also filed an application requesting authority to change its ISRS (File No. GO-2015-0179). In response to motions filed by OPC in both proceedings, the Commission ultimately scheduled a Joint Evidentiary Hearing in these matters for April 20, 2015 “to address all relevant issues presented by the parties.”

(*Order Setting Joint Evidentiary Hearing*, April 10, 2015, page 2). The parties also were ordered to comply with the procedural schedule previously established in File No. GO-2015-0178, and prepared testimony was duly filed in accordance with said schedule. (*Id.*, page 3).

2. Commission Rule 4 CSR 240-2.116(1) "Dismissal" provides:

- (1) An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal with the commission. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of all the parties.

Accordingly, since prepared testimony has been filed in these matters, the written consent of all the parties is represented in the execution and filing of this Joint Notice.

3. As noted in the above-referenced Order, one of the issues raised by OPC in both proceedings is ". . .whether a utility can seek cost recovery through the ISRS for plant costs incurred and/or documented after the filing of the application . . ." (*Order*, page 2). While not agreeing with or acquiescing in OPC's position, the Companies plan to re-file their respective ISRS Applications reflecting such costs by no later than April 21, 2015 , to avoid the necessity of litigating this issue at this time.

4. Whereas the Staff already has completed its review of these ISRS rate requests and filed its respective Recommendations with the Commission, the Staff should be in a position to file its Recommendations regarding the contemplated re-filed ISRS Applications within 2 weeks of the re-filing of such Applications.

5. The other issue raised by OPC in the Laclede ISRS Application concerns a continuing dispute regarding the ISRS eligibility for replacement of certain telemetric

equipment used to monitor system pressure and odorization. Again, while not agreeing with or acquiescing in OPC's position on this issue, Laclede will remove the subject replacements from its re-filed ISRS Applications, as the resolution of a pending Missouri Supreme Court case may impact the propriety of their inclusion.¹ While OPC believes the measures committed to by the Companies in paragraphs 3 and 5 of this notice satisfy the concerns OPC has raised in this proceeding, it reserves the right to review the re-filed ISRS Applications.

6. In accordance with the spirit of the Parties' previous agreement to work to implement Laclede's ISRS filings as soon as reasonably possible, the Companies hope to achieve expeditious approval of their contemplated re-filed Applications. In light of the anticipated timing of the re-filing of the Applications and the Staff's report, and given the complete elimination of the issues that were raised in these filings, it is contemplated that the Commission could be in a position to approve the revised ISRS Application by the end of May 2015, if the Commission is so inclined.

WHEREFORE, the Parties respectfully submit their Joint Notice of Voluntary Dismissal Without Prejudice in the above-captioned proceedings.

Respectfully submitted,

ATTORNEY FOR LACLEDE GAS COMPANY
AND MISSOURI GAS ENERGY, AN OPERATING
UNIT OF LACLEDE GAS COMPANY

/s/Rick E. Zucker
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Laclede Gas Company

¹ Missouri Supreme Court Case No. SC94470, *In the Matter of the Verified Application and Petition of Liberty Energy (Midstates) Corp. d/b/a Liberty Utilities to Change its Infrastructure System Replacement Surcharge, Missouri Public Service Commission v. The Office of the Public Counsel*. Case submitted March 18, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served via e-mail on counsel for all parties of record on this 15th day of April, 2015.

/s/Larry W. Dority