

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day of
October, 2014.

In the Matter of the Verified Application and)	
Petition of Laclede Gas Company to Change)	<u>File No. GR-2015-0026</u>
Its Infrastructure System Replacement Surcharge)	Tariff No. YG-2015-0027
In its Laclede Gas Service Territory)	

**ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT
AND GRANTING REQUEST FOR EXPEDITED TREATMENT**

Issue Date: October 15, 2014

Effective Date: October 15, 2014

On July 25th,¹ Laclede Gas Company (“Laclede”) filed a verified application and petition with the Commission pursuant to sections 393.1009, 393.1012, and 393.1015,² and Commission Rules 4 CSR 240-2.060, 2.080, and 3.265, requesting that the Commission authorize it to change its Infrastructure System Replacement Surcharge (“ISRS”) rate schedule to reflect infrastructure system replacements made during the period from March 1st through August 31st. Laclede sought additional annual ISRS revenues of \$3,149,162.

With its application, Laclede filed a tariff that would implement the surcharge effective August 25th. The Commission suspended that tariff until November 22th, to allow sufficient time to review Laclede’s ISRS application. The Commission directed notice of

¹ All referenced dates are in 2014 unless indicated otherwise.

² All statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes, unless indicated otherwise.

Laclede's filing be provided as required by section 393.1015.1(2) and set a deadline for the filing of applications to intervene. No requests to intervene were received.

On September 30th, Staff of the Missouri Public Service Commission filed an amended recommendation. Staff recommended the Commission reject Laclede's tariff and instead approve an ISRS surcharge revenue in annual pre-tax revenues of \$2,819,933. Staff recommended inclusion of work orders 60418 and 60419 in the ISRS revenue calculations. Work orders 60418 and 60419 involved replacement of certain telemetric equipment used to monitor system pressure and odorization.

On October 6th, Laclede, Staff, and the Office of the Public Counsel ("OPC") filed a *Unanimous Stipulation and Agreement*. Since the signing parties could not reach an agreement as to the ISRS eligibility of work orders 60418 and 60419, they agreed that Laclede would remove the replacement work orders from its ISRS filing, subject to Laclede's right to refile such replacements with its next ISRS filing. The parties agreed to the rates recommended by Staff in its September 30th filing, adjusted for removal of the two work orders.

Based on Laclede's application, Staff's report, and the unanimous agreement between the parties, the Commission concludes that Laclede should be permitted to adjust its ISRS rates and that the terms of the agreement should be approved.

Section 393.140(11) requires tariffs to have a 30-day effective date. On October 6th Laclede filed a motion for expedited treatment, requesting the Commission approve a tariff consistent with the terms of the agreement with an effective date of October 18th. Laclede indicates that neither Staff nor OPC oppose the request for expedited treatment. In

addition, the terms of the unanimous agreement acknowledges that Laclede would request expedited treatment seeking an October 18th effective date.

The Commission finds that good cause exists for Laclede to be excused from the 30-day tariff filing requirement. To constitute good cause, the reason or legal excuse given “must be real not imaginary, substantial not trifling, and reasonable not whimsical.”³ Laclede states, and the Commission finds, that there will be no negative effect on its customers or the general public if the Commission allows the tariff to become effective on October 18, 2014.

THE COMMISSION ORDERS THAT:

1. The *Unanimous Stipulation and Agreement* is approved. A copy of the agreement is attached as Attachment 1 and is incorporated as part of this order.
2. Laclede Gas Company, the Office of the Public Counsel, and the Staff of the Missouri Public Service Commission are ordered to comply with the terms of the agreement.
3. The tariff sheet filed by Laclede Gas Company on July 25, 2014, and assigned Tariff File No. YG-2015-0027 is rejected.
4. No later than October 16, 2014, Laclede Gas Company shall file with the Commission a new tariff sheet that reflects the tariff sheet attached to the *Unanimous Stipulation and Agreement*.
5. *Laclede Gas Company’s Motion for Expedited Treatment* is granted.

³ *Belle State Bank v. Indus. Comm’n*, 547 S.W.2d 841, 846 (Mo. App. 1977). See also *Barclay White Co. v. Unemployment Compensation Bd.*, 50 A.2d 336, 339 (Pa. 1947) (to show good cause, reason given must be real, substantial, and reasonable).

6. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Burton, Regulatory Law Judge