

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

The Staff of the Missouri Public Service)	
Commission)	
)	Complainant.
v.)	<u>Case No. GC-2011-0098</u>
)	
Laclede Gas Company,)	
)	Respondent.

DISSENTING OPINION OF CHAIRMAN KEVIN D. GUNN

Words matter. That simple and straightforward phrase is at the heart of the Commission decision, from which I respectfully dissent.

This case has not been an easy one for the Commission. It has touched on some basic philosophical differences among Commissioners. When this happens, it is imperative that the parties involved plead their case in a manner commensurate with their obligations as attorneys and good faith participants in the regulatory process.

Unfortunately, Laclede Gas Company's (Laclede's) conduct in this case falls short of this ideal. They have filed incendiary pleadings, ignored Commission orders and personally attacked the integrity of both staff and Commissioners. This uncivil conduct would be inappropriate in a court of law and is certainly not appropriate for matters before the Public Service Commission. In one pleading, Laclede unfairly attacked a staff attorney, Lera Shemwell. In the motion before us, she simply asked that she be allowed to defend herself. I believe the majority's decision not to allow Ms. Shemwell to intervene was based on a belief that the attacks on Ms. Shemwell were not consequential to the case, were not to be believed by the Commission and created a

procedural and precedential issue as to how staff interacts in a case. All of these are fair points, but they miss the fundamental truth of this motion: words matter. To not allow Ms. Shemwell to defend herself and to allow Laclede's personal attacks to go unchallenged, we are allowing this conduct to continue, if not tacitly condoning it now and in the future. As a fair tribunal, we should demand more that civility from those that practice before us and we should demand it each and every time.

Secondarily, Ms. Shemwell rightfully recognized the potential ethical issues that arise out of the pleadings. While I believe that Ms. Shemwell in no way acted unethically, and despite Laclede's denials, the allegations made in the petition do impact the perception that the Public Service Commission staff somehow did not uphold the highest ethical standards. Ms. Shemwell should have been given a fair opportunity to defend herself and to clear up any doubt about her conduct.

Therefore, I would have allowed Ms. Shemwell to intervene in the case for the limited purpose of protecting her interests and respectfully dissent from the Commission's decision in this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Kevin D. Gunn". The signature is written in a cursive, flowing style.

Kevin D. Gunn
Chairman

Dated at Jefferson City, Missouri
On this 15th day of December, 2011.