

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

In the Matter of the Verified Application of Laclede )  
Gas Company for an Order Establishing Replace- )  
ment Requirements for the Final Phase of its )  
Unprotected Steel Main Replacement Program ) Case No. GO-2003-506  
Previously Approved Pursuant to Rule 4 CSR 240- )  
40.030(15)(E). )

In the Matter of the Adequacy of Laclede Gas )  
Company's Service Line Replacement Program ) Case No. GO-99-155  
And Leak Survey Procedures. )

## **DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY AND COMMISSIONER BRYAN FORBIS**

We respectfully disagree with the order scheduling an evidentiary hearing and particularly with the unprecedented invitation for testimony from a non-party witness.

In the Commission's gas-safety staff three-year summary report on Laclede's copper-service-line replacement program, staff suggested that Laclede has met or exceeded the guidelines of the Stipulation and Agreement and that the crucial goal of public safety is being maintained.

The report verifies that the program continues to protect the public by achieving a substantial number of replacements annually, using effective leak detection methods and making timely repairs. The staff reported that the results of the three-year mile marker in the program support maintaining the annual requirement of 8,000 direct-buried copper services, continuing the annual bar-hole surveys and maintaining the timely repair requirements. The staff also

pointed out that it will immediately notify the Commission and recommend action if it ever determines that modifications are necessary to protect the public safety.

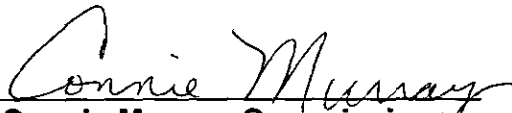
In Laclede's unprotected-steel-main program, the company has continued to exceed the minimum annual replacement requirements. On June 13, 2003, staff filed a memorandum and recommendation that the final phase of the program require an annual replacement of 10,000 feet, as Laclede proposed. Even though the proposed average annual rate is reduced from the previously agreed upon 20,000 feet per year, the large majority of unprotected steel mains with corrosion history have already been replaced and the application sets out a written program for replacing the remainder. The staff pointed out that the proposed replacement rate for unprotected mains will provide public safety and will reinforce resources needed to continue Laclede's other replacement programs that are of higher priority. Thus, on June 13, the staff recommended approval of the proposed final phase of Laclede's unprotected-steel-main replacement program.

In Laclede's September 2 Motion for Commission Determination on the Pleadings in GO-2003-0506, the company pointed out that the application had been on file since May 21, and that the intervention deadline had passed without any party seeking intervention. It is now six months since the first application was filed and the majority continues to delay approval of both applications by scheduling an evidentiary hearing and seeking input from a witness that did not ask to participate. We are concerned with the precedent established by inviting non-parties to testify, both for the impact this practice could have for future

proceedings, and that it relieves the company and staff of their traditional responsibility to provide appropriate witnesses as required. While we support the majority in its concern for pipeline safety, it seems to ignore the ongoing effort on the part of both the company and the Commission's expert staff to protect public safety without imposing unnecessary cost on the company's customers.

For these reasons we respectfully dissent.

Respectfully submitted,

  
Connie Murray, Commissioner

  
Bryan Forbis, Commissioner

Dated at Jefferson City, Missouri,  
on this 26th day of November 2003.