

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

United Steelworkers of America,)	
Local No. 11-6, AFL-CIO)	
)	
Complainant,)	
)	Case No. GC-2006-0313
v.)	
)	
Laclede Gas Company)	
)	
Respondent.)	

**ANSWER AND MOTION TO DISMISS
OF LACLEDE GAS COMPANY**

COMES NOW Laclede Gas Company ("Laclede" or "Company"), pursuant to the Commission's February 2, 2006 Notice in the above-captioned case, and submits its Answer and Motion to Dismiss the Complaint filed against it by the United Steelworkers of America, Local No. 11-6, AFL-CIO (the "Union") on January 31, 2006. In support of its Answer and Motion to Dismiss, Laclede states as follows:

1. On January 31, 2006, the Union filed a complaint with the Commission in which it alleged that Laclede's use of a "Grunsky bag" to perform certain utility work impairs Laclede's ability to render safe and adequate service in compliance with 393.130 (RSMo. 2000) and should therefore be prohibited. As discussed below, the Union's attempt to prevent Laclede's continued use of this device – a device that has been widely and safely used throughout the industry for decades – should be summarily rejected.

ANSWER

2. Laclede generally admits the matters stated in paragraphs 1 through 5, 8, 10, and 12 through 13 of the Complaint. Laclede generally denies the matters stated in

paragraphs 6-7, 9, 11 and 14 of the Complaint to the extent that they assert or even imply that use of a Grunsky bag to perform service work jeopardizes public safety, is inconsistent with Laclede's obligation to render safe and adequate service, or requires any form of remedial action by the Commission. Laclede does not have sufficient information to admit or deny the matters stated in paragraph 15 of the Complaint.

MOTION TO DISMISS

3. For the reasons discuss herein, Laclede respectfully submits that the Union's complaint should be dismissed pursuant to 4 CSR 240-2.070(6) of the Commission's Rules of Practice and Procedure because the Union has failed to state any cognizable claim upon which relief could be granted. As the Union acknowledges in its Complaint, a Grunsky bag is an auxiliary gas tank that allows the gas utility to change out meters and perform other work on its facilities without interrupting the flow of gas to the customer. By allowing the flow of gas to continue without interruption, the use of the Grunsky bag substantially enhances customer service and convenience. Specifically, it eliminates the customer's need to wait at home so that they can grant utility personnel access to pilot lights that would have otherwise been extinguished and would have had to have been re-lit without the use of the device. At the same time, the Grunsky bag also helps to reduce costs for all of the Company's customers by allowing Laclede to plan and complete facility work on a more efficient basis since it no longer has to schedule and obtain access to each customer's premises.

4. In asserting that Laclede should be prohibited from employing this device (and instead be required to shut off the flow of gas to a customer's premises, obtain access to that premises, and then re-light and re-inspect the customer's appliances), the

Union is once again seeking to have the Commission force Laclede's customers to pay for a service they do not need and to suffer an inconvenience they do not want. And once again the Union attempts to justify its position by simply repeating the mantra of public safety, as if the mere mention of the words warrants a full scale examination of any efficiency practice the Union chooses to oppose, no matter how long-standing, widely-employed and utterly safe that practice has shown itself to be.

5. Laclede would respectfully submit that the Commission should require more than a generalized, unsubstantiated assertion of a "public safety" concern before it launches yet another proceeding to examine the appropriateness of yet another standard industry practice. Specifically, it should require the Union to either identify some safety rule that is being violated by the practice or allege facts that would suggest why the rest of the world is wrong in permitting and observing that practice.

6. The Union has done neither. Nowhere in its Complaint does the Union cite a single statute, rule or regulation that in any way prohibits, either directly or indirectly, a procedure such as the Grunsky method for changing out meters. The Union has also failed to point to any statute, rule or regulation that would require a utility to seek access to and inspect a customer's premises where the flow of gas is not interrupted because of that method.

7. Nor does the Union allege any facts in its Complaint that would suggest that the Grunsky method is anything but a proven and entirely safe procedure for performing utility work on a more efficient basis. And that omission is not surprising. The fact is that the Grunsky method has been used for nearly half a century, having been perfected by Pacific Gas and Electric in the 1950s. Over the years, it has been

extensively tested and used by a wide variety of gas utilities, including Pacific Gas and Electric, Southwest Gas Corp, Reliant Energy, San Diego Gas and Electric Company, Washington Gas, and Memphis Gas and Electric, to name just a few. It is also employed by a majority of the LDCs in Missouri. In addition, Laclede has used the method for over a year and, like the gas utilities before it, has found it to be 100% effective.¹

8. In short, the use of a Grunsky bag to perform meter change-outs represents a time-tested, reliable and thoroughly safe method for doing utility work in a way that is both less costly and more convenient for the utility's customers. And that assessment is backed up by the collective wisdom of all of the operators who have used it over the past half century as well as all of the regulators, safety staffs and other independent evaluators who have never found a reason to conclude that there is anything – anything at all – about the process that jeopardizes public safety.

9. Notably, the Union has offered nothing in its Complaint to refute this fundamental truth other than the dubious and self-interested notion that anything that increases or maintains the work available to its members is by definition always necessary to protect public safety. The Commission should demand more before it devotes the time and resources to conducting yet another proceeding. For all of these reasons, Laclede respectfully submits that the Commission should dismiss the Union's Complaint.

¹If Laclede did not believe the Grunsky method was effective or that it in any practical way jeopardized public safety, it would not use it – period. Indeed, several decades ago Laclede experimented with a propane-based alternative for making meter change-outs without interrupting the flow of gas but discontinued its use when it proved impractical. By the same token, Laclede would not have hesitated to do the same with the Grunsky method had there been any creditable reason to believe (even in the face of so much experience to the contrary across the county) that there was some technical or safety concern arising from the use of that method.

Wherefore, for the foregoing reasons, Laclede respectfully requests that the Commission dismiss the Complaint filed against the Company by the United Steelworkers of America, Local No. 11-6, AFL-CIO on January 31, 2006.

Respectfully submitted,

/s/ Michael C. Pendergast

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CERTIFICATE OF SERVICE

Rick Zucker hereby certifies that the foregoing pleading has been duly served upon all parties of record by hand delivery, email, fax, or United States mail, postage prepaid, on this 3rd day of March, 2006.

/s/ Rick Zucker

Rick Zucker