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October 1, 2001

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**

OCT - 1 2001

**RE: Laclede Gas Company,  
Case No. GT-2001-329**


Missouri Public  
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above referenced case, please find the original and 8 copies of **Public Counsel's Request for Clarification**. Please "file stamp" the extra-enclosed copy and return it to this office. I have on this date mailed, faxed, or hand-delivered the appropriate number of copies to all counsel of record.

Thank you for your attention to this matter.

Sincerely,

  
Douglas E. Micheel  
Senior Public Counsel

DEM:kh

cc: Counsel of record

Enclosure

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

**FILED<sup>3</sup>**  
OCT - 1 2001  
Missouri Public  
Service Commission

In the matter of Laclede Gas Company's tariff )  
filing to implement an experimental fixed price ) Case No. GT-2001-329  
plan and other modifications to its Gas Supply )  
incentive plan. )

**PUBLIC COUNSEL'S REQUEST FOR CLARIFICATION**

COMES NOW the Office of the Public Counsel ("Public Counsel") and, pursuant to 4 CSR 240-2.080(17) of the Commission's Rules of Practice and Procedure, submits its Request for Clarification in the above-captioned case respectfully states as follows:

1. On September 20, 2001, the Commission issued its Report and Order in the above-captioned proceeding in which it determined that Laclede's Gas Supply Incentive Plan ("GSIP") should be permitted to expire. In its Report and Order, the Commission also rejected tariff sheets that had been filed by Laclede on November 17, 2000 for the purpose of continuing and modifying the GSIP. (Report and Order, p. 14).

2. Public Counsel seeks clarification of the Commission's September 20, 2001 Report and Order in the following respects:

A. Footnote five on page five of the Report and Order refers to Section 286.270 RSMo 2000. Public Counsel requests the Commission clarify this citation to 386.270 RSMo 2000 to correct the apparent typographical error in footnote five.

B. Paragraph (4) in the Findings of Fact section of the Report and Order at page 11 states "[a]ccording to Laclede's Exhibit 18, the current GSIP has not created any significant savings on the demand cost of gas, but has generated large profits for Laclede

last winter,” Public Counsel requests the Commission clarify the citation to Exhibit 18 as a cite to Staff witness Sommerer’s rebuttal testimony which was marked as Exhibit 18 (Tr. p. 21) and admitted into evidence (Tr. p. 924) and not from evidence presented by Laclede.

C. Paragraph (4) in the Findings of Fact section of the Report and Order at page 11 states “[t]he gas procurement mechanism’s impact on consumers according to Laclede’s Exhibit 35, is approximately 2 cents per dollar spent on gas.” Public Counsel requests the Commission clarify the citation to Exhibit 35 as a cite to Public Counsel witness Meisenheimer’s rebuttal testimony which was marked as Exhibit 35 (Tr. p. 22) and admitted into evidence. (Tr. p. 878). The specific testimony of witness Meisenheimer appears on page 10 of her rebuttal testimony Exhibit 35 lines 12 through 14.

D. Paragraph (5) in the Findings of Fact section of the Report and Order at page 11 and 12 states “[a]ccording to Laclede’s Exhibit 18, ratepayers are worse off with respect to transportation discounts under the GSIP than they would have been without the GSIP.” Public Counsel requests the Commission clarify the citation to Exhibit 18 as a cite to Staff witness Sommerer’s rebuttal testimony which was marked as Exhibit 18 (Tr. p. 21) and admitted into evidence (Tr. p. 924) and not from evidence presented by Laclede.

E. On page 3 of the Report and Order in two places the Commission asserts that Laclede’s Gas Supply Incentive Plan (“GSIP”) will expire of its own terms on October 17, 2001, unless the Commission extends it. At page 14 in Ordered paragraph 1 the Commission stated “[t]hat the Gas Supply Incentive Program of Laclede Gas Company will expire by its own terms on October 17, 2001.” Public Counsel requests the Commission clarify the references on page 3 of the Report and Order to October 17, 2001 and the

reference in Ordered paragraph 1 to October 17, 2001 to reference September 30, 2001.

Paragraph 5 of P.S.C. Mo. No. 5 Consolidated, Fourth Sheet No. 28-2 provides:

5. Unless terminated in accordance with Section D.4., the GSIP shall continue in effect through September 30, 2001, subject to the following terms and conditions which shall become effective October 1, 2000:

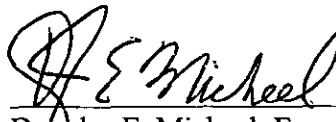
A copy of this tariff was attached to Staff Exhibit 19 as Schedule 4-7. (A copy is also attached as Attachment 1). A tariff once approved by the Commission has the same force and effect as a statute directly prescribed by the Legislature. Allstates Transworld v. Southwestern Bell, 937 S.W.2d 314, 317 (Mo. App. 1996). By operation of Laclede's approved tariff, Laclede's GSIP expired on September 30, 2001. The Commission should clarify its Report and Order to recognize this fact.

WHEREFORE, Public Counsel requests the Commission clarify its Report and Order issued September 20, 2001 as set out in paragraph 2 A through E.

Respectfully submitted,

**OFFICE OF THE PUBLIC COUNSEL**

BY:



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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been faxed, mailed or hand-delivered to the following counsel of record on this 1st day of October, 2001:

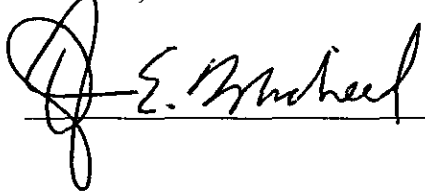
Thomas R. Schwarz, Jr.  
Deputy General Counsel  
Missouri Public Service Commission  
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Thomas M. Bryne  
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1901 Chouteau Avenue  
P. O. Box 66149  
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Michael C. Pendergast  
Laclede Gas Company  
720 Olive Street, Room 1520  
St. Louis, MO 63101

Dean L. Cooper  
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Jefferson City, MO 65102

Diana M. Vuylsteke  
Bryan Cave, LLP  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102



A handwritten signature in cursive script, appearing to read "J. E. Michael", is written over a horizontal line.

P.S.C. MO. No. 5 Consolidated, Fourth Revised Sheet No. 28-a  
CANCELLING P.S.C. MO. No. 5 Consolidated, Third Revised Sheet No. 28-a

Laclede Gas Company  
Name of Issuing Corporation or Municipality

For Refer to Sheet No. 1  
Community, Town or City

SCHEDULE OF RATES

RECEIVED

JUN 13 2000

D. Gas Supply Incentive Plan

2. The debits and credits to the IA Account shall be allocated to the applicable customer classifications, based on the volumes sold and/or transported during the ACA period. Debits from item 1.b. and 1.d. shall be allocated to the Company's firm sales and firm transportation customers consistent with the allocation of capacity reservation charges set forth in Section A.2.b. The debit or credits from item 1.c. shall be allocated to the Company's on-system firm sales only.

3. For each ACA year, the debits and credits recorded in the IA Account including any balance from the previous year shall be accumulated to produce a cumulative balance of incentive adjustments. For purposes of computing new ACA factors for the subsequent twelve-month period beginning with the effective date of the Winter PGA, such cumulative incentive adjustment balances shall be combined with the appropriate Deferred Purchased Gas Costs Account balances. The Company shall separately record that portion of ACA revenue recovery which is attributable to recovery of the IA Account balances. Any remaining balance shall be reflected in the subsequent ACA computations.

4. If an unusual event occurs which would have a significant adverse impact on purchased gas costs, such as, an act of God, a significant change in federal or state laws or regulations, including tax laws, or a significant change in gas supply market or system operating conditions, the Company reserves the right at any time to make a filing seeking to either terminate or modify the GSIP, including modification to the Base Period Cost described in 1.d. above.

5. Unless terminated in accordance with Section D.4., the GSIP shall continue in effect through September 30, 2001, subject to the following terms and conditions which shall become effective October 1, 2000:

FILED

JUL 14 2000

MISSOURI  
Public Service Commission

Attachment 1

DATE OF ISSUE June 12, 2000

DATE EFFECTIVE July 14, 2000

ISSUED BY

K.J. Neises,

Senior Vice President,

720 Olive St., St. Louis, MO 63101

Name of Officer

Title

Address