

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 6th day of
July, 2006.

USW Local 11-6,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2006-0060</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER ADMITTING IN PART AND STRIKING IN PART EXHIBIT 24

Issue Date: July 6, 2006

Effective Date: July 7, 2006

At the evidentiary hearing in this matter the Regulatory Law Judge ruled that portions of Exhibit 24, consisting of certain city council and county government resolutions, were admitted into evidence for the limited purpose of showing those communities' concern for gas safety. The Judge further directed that Laclede Gas Company could file a post-hearing exhibit, Exhibit No. 24, which was to consist of "a list of the resolution hearings which [Laclede] . . . attended and which [Laclede] . . . was invited to that [it] . . . did not attend . . . to . . . clarify that for the record."¹

On May 31, 2006, Laclede filed Exhibit No. 24, consisting of the Affidavit of Thomas Reitz. In addition to the list, Mr. Reitz testifies regarding the circumstances

¹ Transcript, p. 405, ln. 6-9.

surrounding the various meetings, including relating statements alleged to be made by the mayor of St. Peters. USW Local 11-6 objected to Exhibit 24 on the grounds that it exceeded the scope as ordered by the Judge, and if admitted in its entirety without the opportunity for cross-examination, it would violate the due process rights of the USW Local 11-6.

Laclede responded, stating that it believes the USW Local 11-6's persistent encouragement of *ex parte* communications with the Commission in an attempt to sway the Commission's decision in this case should preclude the USW Local 11-6 from being able to raise a due process objection.

The resolutions² were not admitted into evidence as proof of the facts alleged within them. The resolutions are only evidence that the various communities are concerned about gas safety. Nonetheless, the Judge allowed Laclede to clarify the record by responding with a simple list of meetings attended or invited to. Some of the arguments and additional facts contained in Exhibit 24 clearly exceed what was contemplated by the Judge. Even though it is more than a "list," there is no harm in allowing Laclede to clarify the extent of its participation in the various meetings. The Commission will not, however, allow Laclede to add statements regarding what was said at the meetings. Therefore, the Commission determines that Exhibit No. 24 shall be admitted in part. The last sentence in paragraph 4 of Exhibit 24 shall be stricken and shall not be admitted. Furthermore, the Commission shall not consider that sentence when making its decision in this matter. The objection of USW Local 11-6 to Exhibit 24 is sustained in part and overruled in part.

² The resolutions were admitted at the hearing as part of Exhibit 4 and Exhibits 5 and 6.

IT IS ORDERED THAT:

1. Exhibit No. 24 is admitted with the exception of the last sentence in paragraph 4, which is stricken.
2. USW Local 11-6's objection is sustained in part and overruled in part as set out above.
3. This order shall become effective on July 7, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge