

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
November, 2006.

USW Local 11-6,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2006-0390</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DENYING MOTION TO FILE TESTIMONY OUT OF TIME

Issue Date: November 9, 2006

Effective Date: November 9, 2006

On October 27, 2006, USW Local 11-6 filed the direct testimony of Glen Haley along with a motion asking leave to file the testimony out of time. The established procedural schedule required Local 11-6 to file its direct testimony on September 26. Laclede Gas Company filed a response opposing Local 11-6's motion on November 6. No other party has filed a response.

Laclede points out that the deadline for Local 11-6 to file its direct testimony passed on September 26, and the deadline for filing rebuttal testimony was November 8. Laclede contends that Local 11-6 has already filed extensive testimony and that it has not shown good cause for adding more testimony. Laclede asks the Commission to deny Local 11-6's motion for leave to file Haley's testimony out of time.

Glen Haley's testimony indicates that he is an appointment clerk in Laclede's Meter Department. He is also the Meter Reader Shop Steward and a member of the executive board for the Local 11-6. His testimony is four pages long and consists of his observations about problems he has noted with the newly installed AMR meters. Local 11-6's motion asking leave to file Haley's testimony late indicates that Haley was unable to review and sign his testimony until October 25, because of his mother's serious illness.

The procedural schedule for this case required Local 11-6 to file its direct testimony on September 26. That procedural schedule was designed to move this case toward a hearing on December 11 and 12, and if that hearing is to happen, the parties must comply with the procedural schedule. Local 11-6 filed Haley's testimony over a month late and has not offered a substantial justification for doing so. If the procedural schedule ordered by the Commission is to have any meaning, the motion for leave to file Haley's testimony out of time must be denied.

IT IS ORDERED THAT:

1. USW Local 11-6's motion for leave to file the testimony of Glen Haley out of time is denied.
2. The Direct Testimony of Glen Haley is struck from the record.

3. This order shall become effective on November 9, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a faint rectangular background.

Colleen M. Dale
Secretary

(S E A L)

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

Woodruff, Deputy Chief Regulatory Law Judge