

**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
January, 2007.

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

**ORDER GRANTING MOTION TO FILE ADDITIONAL TESTIMONY AND
REMOVING HIGHLY CONFIDENTIAL DESIGNATION OF MOTION**

Issue Date: January 9, 2007

Effective Date: January 9, 2007

USW Local 11-6 has filed a complaint against Laclede Gas Company, alleging that in subcontracting the installation of automatic meter reading equipment on its natural gas meters to Cellnet Technology, Inc., Laclede has failed to provide safe and adequate service to its customers. The Commission established a procedural schedule for this case that required the parties to prefile written testimony. An evidentiary hearing to permit cross-examination of the witnesses who prefiled testimony commenced on December 11 and 12, 2006, but was not completed on those dates. The hearing is scheduled to resume on February 14, 2007. On December 21, Local 11-6 filed a motion asking leave to prefile additional testimony regarding two recent incidents that it contends demonstrate unsafe actions taken by Cellnet employees while working on Laclede meters.

The Commission's Staff and Laclede have filed responses opposing Local 11-6's motion. Both Staff and Laclede point out that the procedural schedule established on September 8 required Local 11-6 to file its direct testimony by September 26. They argue that it would be unfair to allow Local 11-6 to supplement its written testimony at this late date. They explain that the incidents mentioned by Local 11-6 are being investigated by Laclede and Staff and that the public safety is being protected. Staff also argues that if Local 11-6 is allowed to supplement its testimony, the other parties should be allowed time to file written rebuttal testimony.

Local 11-6's complaint contends that the workers hired by Cellnet to install AMR equipment are poorly trained and represent a threat to the public safety when they are allowed to work on Laclede's gas meters. In its previously filed testimony, Local 11-6's witnesses described several incidents that it argues demonstrate that danger. Local 11-6 argues that the recent incidents it would describe in additional written testimony would further illustrate that danger.

The incidents described by Local 11-6 are relevant to its complaint against Laclede. If those incidents had occurred before Local 11-6 filed its written direct testimony, they clearly could have been addressed in that testimony. But the time allowed for filing direct testimony has now passed and the Commission must decide whether the procedural schedule should be modified to allow Local 11-6 an opportunity to present additional direct testimony.

The Commission wants to give Local 11-6 an opportunity to fully present its case. If Local 11-6 has serious public safety concerns, the Commission wants to hear about them. This hearing is not scheduled to resume until February 14, so there is adequate time to

allow Local 11-6 to file additional direct testimony and for the other parties to file rebuttal testimony if they wish to do so. Local 11-6's motion requested that it be allowed to file its additional direct testimony on January 8. That date has passed, but presumably Local 11-6 remains ready to file its testimony on short notice.¹ Therefore, Local 11-6 will be directed to file its additional direct testimony no later than January 12. Any party that wants to file responsive rebuttal testimony may do so no later than January 26. Responsive surrebuttal may then be filed no later than February 2.

One additional matter remains for the Commission's consideration. Local 11-6 filed its motion to file additional testimony in the Commission's electronic filing system as a highly confidential document. Local 11-6 did not explain why its motion should be treated as highly confidential and it does not appear to contain any highly confidential information. Staff's December 29 response to Local 11-6's motion, which was also filed as highly confidential, challenges the designation, and asks that Local 11-6's motion be reclassified as a public document. Local 11-6 has not responded to Staff's reclassification request.

The Commission finds that Local 11-6's motion is improperly classified as highly confidential and should be reclassified as a public document. The Commission's Data Center will be directed to reclassify both that document, and Staff's highly confidential response, as public documents.

¹ After 5:00 p.m. on January 8, Local 11-6 filed a Motion for Immediate Interim Relief. That motion was accompanied by the supplemental testimony of Mark Boyle and Jim Johnson regarding the incidents described in the motion that is addressed in this order. The Commission presumes that this is the testimony that Local 11-6 has sought leave to file. If Local 11-6 has further testimony that it wishes to file it may do so as provided in this order. The Commission shall deal with the motion for immediate interim relief in a separate order.

IT IS ORDERED THAT:

1. USW Local 11-6's Motion to File Testimony Out of Time About Newly Discovered Drill-Through and Major Leak is granted.
2. USW Local 11-6 shall file its supplemental direct testimony no later than January 12, 2007.
3. Any party wishing to file supplemental rebuttal testimony shall do so no later than January 26, 2007.
4. Any party wishing to file supplemental surrebuttal testimony shall do so no later than February 2, 2007.
5. USW Local 11-6's Motion to File Testimony Out of Time About Newly Discovered Drill-Through and Major Leak is reclassified as a public document and the Commission's Data Center is directed to take whatever steps are necessary to change the classification of that document.
6. Staff's Response to USW Local 11-6's Motion to File Testimony Out of Time About Newly Discovered Evidence and Staff's Motion to Declassify USW Local 11-6's Motion is reclassified as a public document and the Commission's Data Center is directed to take whatever steps are necessary to change the classification of that document.

7. This order shall become effective on January 9, 2007.

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

Woodruff, Deputy Chief Regulatory Law Judge