

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 23rd day
of January, 2007.

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

ORDER DENYING MOTION FOR IMMEDIATE INTERIM RELIEF

Issue Date: January 23, 2007

Effective Date: January 23, 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. An evidentiary hearing on Local 11-6's complaint 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 granted that motion on January 9 and established an additional procedural schedule to allow the filing of supplemental rebuttal and surrebuttal testimony before the resumption of the hearing.

However, on January 8, before the Commission issued its ruling on the motion to file additional testimony, Local 11-6 filed a motion seeking immediate interim relief. That motion describes two incidents – one on November 9, and the other on December 19 – in which employees of Cellnet allegedly caused gas leaks while installing or otherwise adjusting automated meter reading devices. The supplemental testimony of two union employees describing the incidents was attached to the motion for interim relief.

Local 11-6 argues that the two recent incidents described in its motion, along with the testimony previously submitted, establish that the installation of automatic meter reading equipment by Cellnet employees has created an imminent threat of serious harm to life or property. On that basis, Local 11-6 asks the Commission to order Laclede to:

1. Promptly create a special internal control number for all automatic meter reading problems between the granting of the motion for interim relief and the Commission's final decision on Local 11-6's complaint;
2. Use trained gas workers to inspect every meter that is equipped with an automatic meter reading device at a rate of 80,000 meters per month, and to fix any problems identified;
3. For each inspection, compile a hazard analysis schedule to be given to the Commission and Local 11-6; and
4. Require its service employees to pressure test lines any time they have to shut the lock cock off or turn it on.

Local 11-6 argues that the Commission has the authority to issue such an immediate interim order pursuant to the authority granted in Section 386.310.1, RSMo 2000.

The Commission's Staff and Laclede filed responses opposing Local 11-6's motion on January 16. Staff contends that Local 11-6 has not presented sufficient credible evidence to establish that an imminent danger exists so as to justify extraordinary interim relief. Laclede challenges the accuracy of the description of the gas incidents offered by Local 11-6's witnesses. It also argues that the drastic interim relief sought by Local 11-6 is not justified by the isolated incidents described by the Union's witnesses.

Section 386.310.1, RSMo 2000, gives the Commission the authority to issue orders necessary to protect the safety and health of the public. A portion of that section provides:

The commission may waive the requirements for notice and hearing and provide for expeditious issuance of an order in any case in which the commission determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property, provided that the commission shall include in such order an opportunity for hearing as soon as practicable after the issuance of such order.

The question before the Commission is whether the incidents described by Local 11-6's witnesses justify the issuance of such immediate order. The Commission concludes that no such immediate order is needed.

The incidents described by Local 11-6's witnesses are serious, and the Commission has already ordered the parties to file additional testimony regarding those events. However, even if those incidents occurred exactly as described by Local 11-6, and those descriptions have been challenged by Laclede, they are still just two incidents involving two meters out of the 600,000 meters on which automatic meter reading devices have been installed by Cellnet employees. Local 11-6 has not shown any likelihood of imminent threat of serious harm to life or property such as would justify the entering of an immediate order under Section 386.310.1, RSMo 2000.

The relief that Local 11-6 seeks through its complaint is much the same as the interim relief that it seeks in this motion. The hearing on the complaint resumes on February 14, and Local 11-6 will have a full opportunity at that time to present evidence to support its complaint. However, Local 11-6 has not justified the issuance of immediate interim relief and its motion seeking such relief shall be denied.

IT IS ORDERED THAT:

1. USW Local 11-6's Motion for Immediate Interim Relief is denied.
2. This order shall become effective on January 23, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Woodruff, Deputy Chief Regulatory Law Judge