

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

United Steelworkers of America Local No. 11-6,	)	
AFL-CIO,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2006-0060
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**STAFF’S BRIEF**

In this complaint the United Steelworkers of America, Local 11-6 (Local 11-6) allege that current Laclede Gas Company (Laclede or Company) practices pose threats to residential customer safety. Laclede’s practices, in turn, are specified by Commission rules and Laclede’s tariff provisions.

On June 10, 2005, changes to Laclede’s tariffs (Revised Sheets R-11 and R-14) became effective. The change in P.S.C. MO. No.5 Consolidated, Fifth Revised Sheet R-11 provided that meters read by automated meter reading devices (AMRs) would constitute actual reads, in satisfaction of Commission rule requiring an annual read of each residential customer’s meter (4 CSR 240-13.020(4)). The change in P.S.C. MO. No.5 Consolidated, Fifth Revised Sheet R-14 eliminated the then-existing tariff requirement that Laclede inspect customer-owned piping and appliances when service is transferred from one customer to another, with no interruption in the flow of gas (“TFTO inspections”). (Exhibit 12.)

Local 11-6 alleges (Amended Complaint, paragraphs 9 and 11) that the amended tariff provisions “have or will adversely impact public safety” and “the tariff revision preclude[s] Laclede from fulfilling its statutory obligation.” As noted in Staff’s Prehearing Brief, these allegations have no merit. The record has not supplied anything to cure the deficiencies noted before the hearing..

**A. Does any gas safety law, rule, order, or decision of the Commission require Laclede to perform TFTO inspections and annual inside meter reads?**

There is no evidence that Laclede’s current tariff sheets at issue, Sheets P.S.C. MO. No. 5 Consolidated, Third Revised Sheet no. R-10 and R-14 (Ex. 12), conflict with, contradict, or in any way violate the provisions of the Commission’s natural gas safety rules (4 CSR 240-40.030). There is no evidence that Commission rules require, specifically, that Laclede perform TFTO inspections. Thus, the Commission must find that TFTO inspections are not required by its rules, orders, or decision.

**B. If not, is there nevertheless a sufficient safety justification for considering a requirement to perform TFTO inspections and annual inside meter reads with its attendant costs?**

There is no evidence that shows that there are more gas incidents involving customer-owned equipment since the June, 2005, change in Laclede’s tariffs. There is no evidence that any other utility in the state performs TFTO inspections. There is no evidence that customers of utilities that do not perform TFTO inspections have more gas incidents involving customer-owned equipment. There is no evidence that requiring Laclede to perform TFTO inspections would result in a systematic, thorough, effective and efficient safety inspection program for all of Laclede’s 600,000 customers. In short, there is no evidence that there is a sufficient safety-related justification for imposing on customers the expense and inconvenience of mandatory TFTO inspections.

**C. If there is such a safety justification, who can or should be responsible for performing TFTO inspections and annual inside meter reads and under what circumstances?**

Because the record is bereft of support for the proposition that there is a sufficient safety-related justification for requiring TFTOs, there is no basis to require Laclede to perform them.

**D. If gas utilities can and should be responsible for performing TFTO inspections and annual inside meter reads, should this be established through a complaint procedure or through a rulemaking?**

Again, there is no record justification for imposing a TFTO regime upon utilities or their customers, so there is no need to proceed either by complaint against all or selected utilities, or by rulemaking.

**CONCLUSION**

The Commission should review the evidence, and then find that USW 11-6 has not proved any of the allegations of the complaint by a preponderance of the evidence.

Respectfully,

**/s/ Thomas R. Schwarz, Jr.**

Thomas R. Schwarz, Jr.  
Deputy General Counsel  
Missouri Bar No. 29645

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 526-7779 (Telephone)  
(573) 751-9285 (Fax)  
tim.schwarz@psc.mo.gov

## **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronically mailed to all counsel of record this 7<sup>th</sup> day of July, 2006.

**/s/ Thomas R. Schwarz, Jr.**