

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

St. Louis Natural Gas Pipeline, LLC)	
)	
Complainant,)	
)	
vs)	Case No. GC-2011-0294
)	
Laclede Gas Company,)	
)	
Respondent.)	

**PUBLIC COUNSEL’S RESPONSE TO
THE MOTION OF LACLEDE GAS COMPANY FOR
RECONSIDERATION AND/OR CLARIFICATION**

COMES NOW the Missouri Office of the Public Counsel (OPC) and for its Response to the Motion of Laclede Gas Company for Reconsideration and/or Clarification, states as follows:

1. The Complaint filed by St. Louis Natural Gas Pipeline (SLNGP) seeks an order from the Commission that: 1) orders an investigation into Laclede’s refusal to enter into an interconnection agreement with SLNGP; 2) orders an investigation into alleged violations of 4 CSR 240-40.015, 4 CSR 240-40.016, § 393.130.1 RSMo (Cum Supp 2010), § 393.130.3 (Cum Supp 2010), 393.140(5) RSMo 2000, and 393.140(11) RSMo 2000; and 3) orders Laclede to interconnect with SLNGP.
2. On May 26, 2011, the Commission issued its Order Denying Laclede’s Motion to Dismiss and Directing Staff to Investigate.
3. On June 6, 2011 Laclede filed its Motion of Laclede Gas Company for Reconsideration and/or Clarification, which seeks a Commission order that reconsiders

the Commission's order denying Laclede's motion to dismiss, or in the alternative, "clarify" that the Commission cannot and does not intend to mandate that Laclede enter into an interconnection agreement. Laclede also seeks in the alternative a Commission order that commits the Commission to reconsidering Laclede's motion to dismiss after the Staff files the results of its investigation.

4. OPC asks the Commission to deny the motion for reconsideration since Laclede has not raised any new issues. Laclede simply reargues the same argument that the Commission lacks the authority to order interconnection, which the Commission already considered in denying Laclede's Motion to Dismiss.

5. OPC also asks the Commission to deny Laclede's alternative request to clarify that the Commission cannot and does not intend to mandate that Laclede enter into an interconnection agreement. This issue may become moot as a result of the Commission's resolution of the Commission's investigation into this Complaint. If the Commission determines that Laclede's refusal to interconnect is just and reasonable, whether the Commission has the authority to order Laclede to interconnect will not need to be determined by the Commission. Therefore, OPC asks that the Commission refrain from "clarifying" its order as requested by Laclede.

6. If the Commission determines that Laclede's actions are a violation of a statute or a Commission rule, whatever remedies are available to the Commission should be considered at that time. The first step should be to determine whether Laclede's refusal to interconnect with SLNGP violates any one of the following:

- § 393.130.1 – requires Laclede's services, instrumentalities, facilities, and charges to be just and reasonable;

- § 393.130.3 – prohibits Laclede from the granting of undue or unreasonable preference or advantage to any person or corporation, or subjecting any person or corporation to undue or unreasonable prejudice or disadvantage;
- § 393.140(5) – prohibits Laclede’s rates, charges, or acts from being unjust, unreasonable, unjustly discriminatory, or unduly preferential;
- § 393.140(11) – prohibits Laclede from extending to any person or corporation any form of contract or agreement, or any rule or regulation, or any privilege or facility, except such as are regularly and uniformly extended to all persons and corporations under like circumstances;
- 4 CSR 240-40.015 – prohibits Laclede from providing a financial advantage to an affiliated entity;
- 4 CSR 240-40.016 – prohibits Laclede from providing a financial advantage to an affiliated entity.

7. There is no question that the Commission has the authority to remedy a violation of any of the above laws. Predetermining that a remedy is or is not available to the Commission is unnecessary and premature. It would require the Commission to make a significant conclusion regarding the Commission’s authority that may be unnecessary should the Commission determine that Laclede is not in violation of a rule or statute. Determining whether the Commission has the authority to order interconnection would also become unnecessary should the Commission determine that another remedy is better suited to address Laclede’s refusal to interconnect.

8. OPC takes no position at this time regarding whether the Commission has the authority to order Laclede to interconnect with a particular pipeline. If the Commission finds Laclede to be in violation of a rule or statute, OPC would want to have an opportunity to fully address that issue at that time. Expending resources researching,

arguing, and considering an issue that may become moot is not a constructive use of the limited resources of OPC, the Staff, or the Commission.

9 Lastly, Laclede requests in the alternative that the Commission commit to reconsidering Laclede's motion to dismiss after the Staff files the results of its investigation. Laclede makes this request without knowing the results of the Staff's investigation, and without knowing whether any new issues will arise in the course of that investigation that may need to be considered. If Laclede believes the results of the Staff's investigation warrant dismissal of the complaint, the proper procedure would be for Laclede to file a new motion to dismiss at that time.

WHEREFORE, the Office of the Public Counsel respectfully offers this Response and asks the Commission to deny the relief requested in the Motion of Laclede Gas Company for Reconsideration and/or Clarification.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 16th day of June 2011:

/s/ Marc Poston