

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

Office of the Public Counsel,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2016-0297
)	
Laclede Gas Company and)	
Missouri Gas Energy,)	
)	
Respondents.)	

**MIEC REPLY TO LACLEDE GAS RESPONSE TO
MIEC APPLICATION TO INTERVENE**

COMES NOW the Missouri Industrial Energy Consumers (“MIEC”) and for its Reply to Laclede Gas’ Response to the MIEC Application to Intervene, states as follows:

1. The MIEC is a Missouri nonprofit corporation representing the interests of large industrial customers of Laclede Gas Company and Missouri Gas Energy (“Laclede”). As such, the MIEC has an interest that is different from that of the general public and which may be adversely affected by a final order arising from this case.

2. Laclede argues in its Response that the above facts are insufficient for the Commission to determine whether the MIEC’s interest is sufficient to warrant intervention. Laclede argues that the MIEC must “identify which larger industrial customers ... it is actually representing in this proceeding.” Laclede even argues that its rights to due process could be compromised without that specific information.

3. The MIEC has a long history of participating in matters before the Commission on behalf of industrial customers. Sometimes it identifies specific industrial customers having

special interests in the proceeding, even calling them “members,” but there is no requirement to do so.

4. When a party is a corporation, this Commission’s regulations impose no requirement to identify specific entities, other than the party corporation, whose interests are represented by that party corporation. Indeed, regulation 4 CSR 240-2.075(2)(D) requires an association to identify its members but expressly excludes corporations from that disclosure requirement. Moreover, regulation 4 CSR 240-2.075(4) provides that if the Commission grants intervention to an association it is not granting intervention to the association, but rather to its members. Again, the regulation expressly provides that such is not the case for an incorporated association. There are similar distinctions made between corporations and unincorporated associations in regulation 4 CSR 240-2.075(6), (7) and (8). In short, the association rules do not apply to corporations like the MIEC, where there is no requirement to identify interested entities or “members.”

5. Laclede’s due process argument is utterly misplaced. Laclede is afforded full process. It will know what witnesses the MIEC will call and has full discovery of the MIEC to determine what those witnesses will say on behalf of the MIEC and the interests it represents. Although the MIEC has participated in multiple Commission proceedings each year for decades, Laclede has not identified even one instance where the MIEC’s participation has impeded anyone’s due process. Laclede also argues that there could be fundamental questions about who is bound by any stipulation the MIEC enters and could lead to collateral attacks of any decision relying on such stipulation. Again, Laclede has identified no specific problem encountered during the many decades of MIEC participation in Commission proceedings. Moreover, all Commission orders are final as to everyone, whether or not they intervened or participated in a

case. Section 386.550 provides: "In all collateral actions or proceedings the orders and decisions of the commission which have become final shall be conclusive." There is no risk of a collateral attack.

6. The MIEC is no different than the AARP, United for Missouri, or Renew Missouri as a corporation interested in representing the interests of certain types of customers. Laclede is merely attempting to chill the intervention of such special interest corporations that may oppose Laclede's interests.

WHEREFORE, the MIEC requests that its motion to intervene be granted and that it be made a party to this case for all purposes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 17th day of June, 2016 to all parties on the Commission's service list in this case.

/s/ Edward F. Downey