

**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	)	

**OPC REPLY TO LACLEDE’S JULY 22 PLEADING AND  
ATTEMPT TO FURTHER DELAY AN EARNINGS REVIEW**

**COMES NOW** the Office of the Public Counsel (“OPC”) and for its reply to Laclede Gas Company’s (“Laclede”) July 22 Motion for Reconsideration of Order Denying Motion to Dismiss; Alternative Request for Stay of the Complaint Case; Response to OPC’s Motion for Reconsideration of Order Regarding Motion to Compel, respectfully states:

**A. Response to Motion for Reconsideration of Order  
Denying Motion to Dismiss**

1. The Commission’s Order Denying Motion to Dismiss was based upon the Commission’s recognition that OPC raised an issue in the complaint that the Commission has the jurisdiction to remedy through a rate reduction. Further, the Order Denying Motion to Dismiss properly recognized the unreasonably high profits alleged by OPC provide a lawful basis for resetting Laclede’s rates. Laclede now argues OPC should be held to a higher standard than all other parties. This argument is not supported by any

statute or case law, and is simply a regurgitation of the same arguments already rejected by the Commission in its Order Denying Motion to Dismiss.

2. Laclede's motion for reconsideration argues "OPC should have to at least state a serious, substantive, and legitimate claim to trigger the Commission's earnings complaint process." OPC agrees – the claim that Laclede is earning an unreasonably high return that is grossly out of line with returns of comparable companies is a very serious, substantive, and legitimate claim that will be fully supported by the facts presented in OPC's direct testimony.

3. Laclede's claims that a complaint "will drain Company resources" and "distract the Company from its business" are ridiculous arguments that do not provide a sufficient basis for dismissing a case. Otherwise, OPC, with far fewer resources than Laclede, could make the same claims to dismiss rate cases proposed by Laclede due to OPC's fewer resources and the distraction a Laclede rate case will create for OPC's work on other cases.

4. Laclede's motion for reconsideration has not raised any legal or reasonable basis for reconsidering its Order Denying Motion to Dismiss, and should therefore be denied.

**B. Reply to Laclede's Alternative Request for Stay of the Complaint Case**

5. Laclede also provides no legal basis for its second request – that the Commission stay the complaint until Laclede files a rate case in nine (9) months. Laclede is essentially asking the Commission to allow the company to continue earning unreasonably high profits for another year simply for convenience sake. There is *nothing* in the public interest about this request. By March 17, 2017, the date by which Laclede

has pledged to file a rate case, this complaint should be concluded and customers should already be paying lower rates.

6. OPC strongly urges the Commission to take this complaint seriously, just as it takes company-filed rate cases seriously. To date, this case has languished for months. The only action by the Commission that would be in the public interest is an order by the Commission that enables OPC to have responses to its data requests as soon as possible, and orders that promptly reject each Laclede attempt to further delay a full review of its earnings. Such prompt rejections would be consistent with OPC's request to expedite this matter, which has yet to be considered by the Commission.

WHEREFORE, the Office of the Public Counsel respectfully offers this reply to Laclede's July 22 pleading.

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 1<sup>st</sup> day of August 2016.

**/s/ Marc Poston**

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