BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Verified Application and)	
Petition of Laclede Gas Company to Change its)	File No. GO-2012-0356
Infrastructure System Replacement Surcharge)	

STAFF RESPONSE TO LACLEDE'S PROPOSED TARIFF EFFECTIVE DATE AND MOTION TO SUSPEND TARIFF FILING

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and requests the Commission suspend this tariff filing for the full one hundred twenty (120) days permitted by Statute for the following reasons:

- 1. On April 27, 2012, Laclede Gas Company (Laclede or Company) filed a Verified Application with the Commission, requesting authorization to establish an Infrastructure System Replacement Surcharge (ISRS) pursuant to Missouri Statute Sections 393.1009, 393.1012 and 393.1015. (RSMo 2000 as currently supplemented).
 - 2. In its Application, Laclede made its tariff filing effective on July 9, 2012.
- 3. Laclede described this as a "reasonable implementation date" toward which the parties and the Commission should work.¹

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¹ Laclede Application para 22.

In the past few Laclede rate cases, including Case No. GR-2010-0171, the Commission approved the parties' agreement to implement the Company's ISRS applications "as soon as reasonably possible," in exchange for Laclede's commitment to reduce the ISRS by a certain amount. Based on the fact that ISRS filings have become largely routine in nature, Laclede believes that providing a window of approximately 60 days for implementation is more than sufficient to comply with this condition. Accordingly, rather than provide a 30 day tariff effective date, Laclede has scheduled its tariff filed today to become effective on Monday, July 9, 2012, which is roughly 73 days from the date of this Application. Laclede requests that, rather than further suspend the tariff at this time, the Commission and the parties work toward this reasonable implementation date.

- 4. Staff has some concerns. While this date may be reasonable, it establishes a date by which the Commission <u>must</u> act or the tariff will become effective by operation of law.
- 5. The Legislature has established the time by which the Commission must act in ISRS cases. "The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred twenty days after the petition is filed." § 393.1015(3). (RSMo 2000 as currently supplemented.)
- 6. Staff does not disagree that this may be a reasonable effective date, however, Laclede unilaterally "providing a window" of 60 days for processing this matter² is not only contrary to Missouri statutes, it is <u>not</u> something to which Staff has agreed to in prior Laclede rate case Stipulations.
- 7. In processing this case, Staff realized that a number of events could delay Commission action, which could result in this case becoming effective by operation of law. To allow that to happen would not be in the public interest. Even though these fillings have become "largely routine in nature" (Laclede App. at para 22), Staff carefully reviews and audits these fillings for compliance with the statutory requirements. For this reason, Staff routinely moves to suspend ISRS tariff fillings for the 120 day period provided by statute.
- 8. Staff has recognized that through miscommunication, inadvertent or unavoidable delay, or other mishap, Laclede's actions have created a situation under which this tariff could unintentionally become effective prior to completion of Staff's

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² The date Laclede suggests is actually a 73 day "window."

review. To avoid the potential consequence, Staff is recommending the Commission suspend this tariff for the full 120 days permitted by statute.

WHEREFORE Staff requests the Commission suspend this tariff for 120 days from the date of the filing of the application, which would be August 26, 2012.

Respectfully submitted,

/s/ Lera L. Shemwell_

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 31st day of May 2012.

/s/ Lera L. Shemwell