

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

In the Matter of Laclede Gas Company's Verified)
Application to Re-Establish and Extend the) Case No. GF-2015-0181
Financing Authority Previously Approved by the)
Commission)

**LACLEDE'S REPLY TO STAFF'S RESPONSE TO
MOTION TO CLARIFY OR AMEND THE COMMISSION'S SEPTEMBER 29 ORDER**

COMES NOW Laclede Gas Company ("Laclede" or "Company"), and files this reply to Staff's response to Laclede's motion to clarify or amend the Commission's September 29 Order in this case, and in support thereof states as follows:

1. Laclede agrees with Staff on one point: in paragraph 4 of Staff's Response, Staff stated that there was "a transparent attempt by Laclede to essentially 'negotiate' a settlement...via formal pleadings..." Laclede agrees that its September 8 Motion for Protective Order was a transparent attempt to resolve the discovery dispute by providing Staff the information it sought while reserving rights that were of meaning to Laclede.

2. Staff's cooperation in acquiescing to this proposal was greatly appreciated. In Laclede's view, Staff's response stating that, with appropriate conditions, it would not object to the protective order proposal left Laclede's motion for a protective order actively unopposed. By effectively accepting Staff's conditions, Laclede believed that the resulting concurrence permitted both parties to cease contesting the matter and move on to other business. Hence, Laclede was satisfied with the Commission's September 29 Order adopting the protective order solution with the agreed conditions, but surprised that the September 29 Order also discussed the formerly disputed discovery matter, especially since its discussion on the privilege issue conflicts with its ordered paragraph that the Commission was making no finding regarding privilege. The Commission's approval of the protective order and the accompanying result that Staff obtained

the information it sought, effectively mooted the Staff's motion to compel and eliminated the Commission's need to discuss or rule on it.

3. Staff is wrong in paragraph 1 of its November 9 Response that Laclede is re-arguing and re-hashing its position on the discovery dispute. Not only did Laclede not re-argue the discovery dispute in its motion to clarify or amend, Laclede's entire point is that it had stopped arguing the discovery dispute entirely.

4. Staff is also wrong in its discussion of the privilege issue. Staff's original condition stated that "The Commission's order should clearly state that it is not finding the previously redacted information to be privileged information and that **no such conclusion should be drawn from the granting of the protective order.**" (emphasis added) In its November 9 response, Staff omits the bolded portion of this quote. In reading the entire quote, Laclede concluded that by "not finding the...information to be privileged..." Staff meant that the Commission was *not making* a finding on privilege, not that the Commission was *making* a finding that the information was *not* privileged. If the Staff contemplated that the Commission was indeed making an affirmative finding that such information was not privileged consistent with Staff's argument, why would the Staff simultaneously insist that the Commission warn the reader to draw no conclusion from the finding? Accordingly, Laclede asked for clarification on this language, which the Commission granted. The Commission should disregard Staff's attempt to now alter the quote and change its meaning.

5. Finally, Laclede is not challenging the September 29 Order as unlawful, but is truly asking the Commission to clarify or amend it. If the Commission's intent was to approve the protective order solution, Laclede asks the Commission to so clarify. As Staff notes, the rules permit the Commission to change the order *sua sponte*.

6. In the end, Laclede's motion to clarify or amend the September 29 order is simply a request for the Commission to accept what Laclede reasonably believed was a successful attempt to transparently settle a discovery dispute. For the reasons stated herein and in the motion to clarify or amend, Laclede asks that the Commission retain the portion of the September 29 Order approving the protective order resolution, and remove the portion of the September 29 Order discussing or ruling on the formerly disputed issues, especially the conflict between the privilege discussion and the privilege order.

WHEREFORE, Laclede respectfully requests that the Commission clarify or amend its September 29 Order as requested herein.

Respectfully submitted,

LACLEDE GAS COMPANY

By: /s/ Rick Zucker

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on all parties of record on this 10th day of November, 2015 by hand-delivery, e-mail, fax, or by placing a copy of such document, postage prepaid, in the United States mail.

/s/ Marcia Spangler