

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

Cesar M. Alba,)	
)	
Complainants,)	
v.)	Case No. GC-2007-0445
)	
Laclede Gas Company,)	
Respondent.)	

**LACLEDE GAS COMPANY’S OBJECTION TO
CESAR ALBA’S MOTION TO PRODUCE RECORDS AND
MOTION TO SUBPOENA TELEPHONE RECORDS**

COMES NOW Laclede Gas Company (“Laclede” or “Company”), and files this objection to a motion filed by Cesar M. Alba (“Mr. Alba”) requesting Laclede to produce five years worth of records from Mr. Alba’s gas service at his home on Dartmouth Avenue, and to a motion to subpoena AT&T telephone records for December 19, 2006, from 8-11a.m. In support thereof, Laclede states as follows:

1. Laclede opposes Mr. Alba’s motions on several grounds. First, it is now well past the time for discovery requests. Mr. Alba had ample opportunity to conduct discovery from the time that Laclede filed its Answer to Mr. Alba’s complaint on June 23, 2007, until the hearing was held on November 7. In fact, just prior to the hearing, Mr. Alba filed (but did not serve) a motion to produce documents. At the November 7 hearing, Laclede agreed to produce documents responsive to that motion, and did so, mailing them to Mr. Alba’s post office box and filing them in the record as Exhibit 2 in this case on December 19, 2007.

2. Second, all the evidence has been entered in this case and the record is closed. This is confirmed by the Commission in its January 24, 2008 Order Regarding

Post-Hearing Briefs: “The hearing for this matter has been held and the transcript of the hearing and all evidence is now in the record.” The discovery process must come to a halt at some point. Now that the record has closed and briefs have been filed, we are past that point.

3. Third, even if the record had not closed, the motions do not seek information that is either new or important, and thus do not warrant re-opening the record. With respect to the Dartmouth records, since Mr. Alba’s complaint pertains to whether he has been overcharged for service at 3931 Minnesota, records of his usage at 7048 or 7050 Dartmouth are barely tangential to that issue. Moreover, Mr. Alba has already placed evidence into the record in this case that his usage on Dartmouth was less than his usage on Minnesota and, after reviewing its records, Laclede acknowledged this point in its Answer, and on the record at the hearing in this case. Having already established this point, for whatever its worth, there is no reason to re-open the record to explore it again.

4. Mr. Alba’s motion to produce telephone records concerns the dispute between Mr. Alba and Laclede regarding the order of events on December 18-19, 2006. Laclede’s records indicate that the order was 1. December 18 meter reading; 2. December 19 report of odor by Mr. Alba; 3. Leak detection by Laclede, gas service shut off; and 4. meter change. Mr. Alba insists that the order was: 1. no meter reading on December 18; 2. December 19 meter change; 3. Mr. Alba reports gas odor; 4. Laclede comes back to detect leak and shut off gas.

5. The order of events on December 18-19 is hardly relevant to whether Laclede’s leak detection procedures are safe and adequate. And again, the facts are

already well established in the record. Laclede has provided its records to support its version of the events of December 18-19, and Mr. Alba has testified to his version. There is no need to open the record to rehash this issue to no purpose.

6. Notwithstanding the foregoing, Laclede searched for electronic tapes of Mr. Alba's telephone conversations of December 18-19, 2006, and found only one tape available, which was Mr. Alba's call to Laclede at 9:10 a.m. on December 19. As a customer service gesture, Laclede is willing to transcribe this call and send the transcript to Mr. Alba.

WHEREFORE, Laclede respectfully requests that the Commission deny the motions to produce records filed by Mr. Alba in this case on March 18, 2008.

Respectfully submitted,

/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 the Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 28th day of March, 2008 by United States mail, hand-delivery, email, or facsimile.

/s/ Gerry Lynch