

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

USW Local 11-6,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2006-0390</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Issue Date: August 24, 2006

Effective Date: August 24, 2006

As directed by the Commission, the parties filed a proposed procedural schedule to establish the filing deadlines and hearing dates in this matter. In addition, Laclede Gas Company had previously filed a request to make a demonstration of an automated meter reader (AMR) installation for the Commission. That demonstration was the subject of a teleconference among the parties held on August 14, 2006. Laclede requested that the Commission set such a demonstration as soon as possible due to recent media coverage.

USW Local 11-6 agreed to the demonstration but requested an opportunity to also make a demonstration to the Commission. The Staff of the Missouri Public Service Commission also agreed to the demonstration so long as it became a part of the evidentiary record.

The Commission has determined that the demonstration should be conducted as part of the evidentiary hearing in this matter. Therefore, an exception to the rule regarding

the prefiling of testimony will be made to allow for live testimony during the demonstration.

In addition, the Commission will follow these procedures for the demonstration:

- (a) The demonstration shall be transcribed by a court reporter and captured on video and shall become a part of the evidentiary record in the case.
- (b) Laclede shall be allowed to make its demonstration followed by a rebuttal demonstration by the Union.
- (c) The participants in the demonstration shall be under oath or affirmation and subject to cross-examination and questions from the Commission as if they were testifying at the regular evidentiary hearing.
- (d) Laclede, in addition to bringing any meter and equipment necessary for its demonstration, shall bring photographs or diagrams of the meters and equipment that can be placed in the official record. Laclede shall bring sufficient copies for all parties, the court reporter, the Regulatory Law Judge, and the Commissioners. Laclede shall also provide these photographs or diagrams to the Commission in a digital format.
- (e) Laclede shall make its meter and equipment used in the demonstration available to the Union during the hearing for its demonstration.
- (f) Any setup accommodations in the Commission's hearing room shall be brought to the attention of the Regulatory Law Judge no later than Tuesday, December 5, 2006.
- (g) The parties shall exchange the names, titles, and employers of the expected participants along with their Direct, Rebuttal, and/or Surrebuttal Testimony as appropriate.

The Commission has reviewed the proposed procedural schedule and finds it to be reasonable with the addition of the AMR installation demonstration. The Commission therefore adopts the procedural schedule. The Commission also finds that the following conditions shall apply to the procedural schedule:

(A) With the exception of the AMR installation demonstrations, the Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims,

contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and file a joint list of issues to be determined herein by the Commission. The requirements for issue format set forth in 4 CSR 240-2.080(21) are waived. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall establish the order of cross-examination and file a joint pleading indicating the same. The parties shall also propose the timing of the AMR demonstration.

(D) Because much of the evidence will have been filed before the hearing, the Commission will require prehearing briefs that address all the issues in dispute and all the relevant prefiled testimony. The Commission will allow one round of post-hearing briefs.

(E) All pleadings and briefs shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the unresolved issues that are to be decided by the Commission.

(F) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only one copy of the exhibit is necessary for the court reporter. If an exhibit has not been

prefiled, the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Regulatory Law Judge, and all counsel.

(G) Each party may prepare and file proposed findings of fact and conclusions of law, including citations to prefiled testimony and other evidence, to be filed during the post-hearing briefing schedule.

(H) The Commission's standard practice is that hearing transcripts will be available no later than ten business days following the close of the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the Regulatory Law Judge at least five days prior to the date of the hearing.

**IT IS ORDERED THAT:**

1. The procedural schedule is adopted as follows:

Direct Testimony by USW Local 11-6	September 19, 2006
Rebuttal Testimony	October 31, 2006
Surrebuttal Testimony	November 10, 2006
Issues List, Order of Witnesses, Order of Cross-examination, and Order of Opening Statements	November 16, 2006
Prehearing Briefs	November 29, 2006
Evidentiary Hearing including an AMR Installation Demonstration	December 11-12, 2006 beginning at 9:00 a.m.

2. The hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Room 310, Jefferson City, Missouri, a facility which meets the accessibility standards of the Americans with Disabilities Act (ADA). Any person who needs additional accommodations to participate in the hearing should call the Public

Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

3. The parties are directed to comply with the conditions set out in this order.
4. This order shall become effective on August 24, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 24th day of August, 2006.