

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

In the matter of The Empire District Gas)
Company of Joplin, Missouri for)
Authority to File Tariffs Increasing Rates)
for Gas Service Provided to Customers in)
the Missouri Service Area of the)
Company.)

Case No. GR-2009-0434
Tariff No. YG-2009-0855

**JOINT PROPOSED PROCEDURAL SCHEDULE
AND JOINT MOTION REQUESTING ADOPTION
OF CERTAIN OTHER PROCEDURAL MATTERS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and, on behalf of itself and the parties to this proceeding, including The Empire District Gas Company (Empire), the Office of the Public Counsel (OPC), Missouri Department of Natural Resources (DNR), Constellation NewEnergy–Gas Division, LLC (Constellation), and Pittsburgh Corning Corporation (Pittsburgh), respectfully states as follows:

1. On June 5, 2009, Empire filed with the Commission proposed tariff sheets bearing an effective date of July 5, 2009, which are designed to produce a gross annual revenue increase of approximately \$2.9 million for natural gas service.
2. On June 12, the Commission issued its Suspension Order and Notice (Order). Among other things, the Commission in its Order suspended the proposed tariff sheets until May 2, 2010, scheduled an early prehearing conference on July 16, 2009, and directed that the parties file a proposed procedural schedule on or before July 23, 2009.
3. On July 16, 2009, the Commission convened an early prehearing conference. As a result of the discussions at that conference, the parties respectfully propose that the Commission adopt the following procedural schedule in this case:

| <u>EVENT</u> | <u>DATE</u> |
|---|--|
| | |
| Case Filing | June 5, 2009 |
| Early Prehearing Conference | July 16, 2009 |
| Procedural Schedule Due | July 23, 2009 |
| Recommendations as to Local Public Hearings | July 23, 2009 |
| Direct Testimony Revenue Requirement (all parties except Empire) | October 20, 2009 |
| Direct Testimony (all parties except Empire) Class Cost of Service and Rate Design | November 3, 2009 |
| Local Public Hearings | November 5 and 9-12, 2009 |
| Case Reconciliation (<i>Not Filed</i>) | November 13, 2009 |
| Prehearing Conference | November 16 - 20, 2009 |
| List of Issues (Preliminary – <i>Not Filed</i>) | November 20, 2009 |
| Rebuttal Testimony (all parties) | December 4, 2009 |
| Surrebuttal Testimony (all parties) | December 22, 2009 |
| Joint List and Order of Issues, List and Order of Witnesses, Order of Cross-Examination | December 29, 2009 |
| Reconciliation for Issues to be heard | December 29, 2009 |
| Statements of Position | January 5, 2010 |
| Evidentiary Hearing | January 7 - 8, 2010 and January 11-15, 2010 |
| True-Up Hearing | February 18 -19, 2010 |

4. These proposed dates are the result of discussions among the parties and were selected in recognition of the constraints on Staff resources occasioned by other pending cases and other scheduling constraints, to include the need to provide the parties with adequate review and response times at various stages in the proceeding. The parties believe the additional time afforded by the postponement of the hearings is essential to the development of testimony, reconciliations, and pleadings in this matter.

5. During the early prehearing conference, all parties also agreed to the following matters and request that these agreements be reflected in the Commission's Order setting the procedural schedule and approving the test year and true-up for this case:

- (a) All parties agree that they will provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (b) An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135.
- (c) Counsel for each party is to receive electronically from each other party, a copy of all data requests served by that party on another party in the case contemporaneously with service of the request. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary – thus, if a party wants a copy of a data request response by Empire to a Staff data request, the party should ask Empire, not the Staff, for a copy of the data request response unless there are appropriate reasons to direct the discovery to the party originally requesting the material. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses will be served on counsel for the requesting party and on the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by rule.
- (d) Until the filing of direct testimony on class cost of service and rate design pertinent issues, the response time for all data requests is 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After direct filing and until the filing of rebuttal testimony, the response time for data requests becomes 10 business days to provide the requested information, and 5 business days to object or notify that more than 10 business days will be needed to provide the requested information. After the filing of rebuttal testimony, the response time for data requests becomes 10 calendar days to provide the requested information, and 5 calendar days to object or notify that more than 10 calendar days will be needed to provide the requested information.
- (e) Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be

relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel will undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

- (f) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.
- (g) For purposes of this case, the parties request the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.
- (h) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

WHEREFORE, in response to the Commission's June 12, 2009 Suspension Order And Notice, the Staff files this proposed procedural schedule and list of agreements on behalf of itself and the other parties to Case No. GR-2009-0434.

Respectfully submitted,

/s/ Sarah Kliethermes
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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 21st day of July 2009.

/s/ Sarah Kliethermes