

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Laclede Gas Company's)	<u>File No. GR-2010-0171</u>
Tariff to Increase Its Annual Revenues for)	Tariff No. YG-2010-0376
Natural Gas Service)	

ORDER ENTERING EVIDENCE IN ELECTRONIC FORMAT

Issue Date: August 13, 2010

Effective Date: August 13, 2010

The Missouri Public Service Commission is granting the *Motion to Have Testimony, as Filed in EFIS, Received into Evidence by Reference* ("motion"). All parties filed the motion on August 6, 2010, other than MIEC. MIEC's deadline to file any response was August 13, 2010,¹ and MIEC filed no response.

Laclede Gas Company initiated this action when it filed tariffs,² which the Commission suspended,³ commencing a contested case.⁴ Contested case procedure expressly allows resolution of this action through:

. . . the waiver by the parties (including, in a proper case, the agency) of procedural requirements which would otherwise be necessary before final decision, or . . . stipulations or agreements among the parties (including, in a proper case, the agency). [⁵]

Also, the Commission's regulations provide:

(9) Any or all parties may file a stipulation as to the facts, in which event the same shall be numbered as a joint exhibit. This stipulation shall not preclude the offering of additional

¹ Order dated August 9, 2010.

² On December 4, 2009.

³ Order dated December 10, 2009.

⁴ Section 393.150.1, RSMo 2000.

⁵ Section 536.060, RSMo 2000.

evidence by any party unless otherwise agreed in the stipulation. [⁶]

The parties employed those devices—stipulation of facts, waiver of procedural formalities, and offers of additional evidence—in their unanimous *Second Stipulation and Agreement*⁷ (“second agreement”), which incorporated the earlier *Partial Stipulation and Agreement*⁸ (“partial agreement”). In those documents, the parties stipulated to the entry of all pre-filed testimony into the record.⁹ To do so by reference to electronic filings, without filing paper copies, is the purpose of the motion.

The Commission’s regulations provide for the filing of prepared testimony electronically or on paper:

(6) Prepared testimony may be filed electronically. If prepared testimony is not filed electronically it shall be typed or printed, in black type on white paper [¹⁰]

Such regulations also provide for the number and entry into evidence of exhibits at hearing:

(11) Exhibits shall be tendered to the reporter at the time of hearing without being pre-numbered by the offering party, unless otherwise ordered by the commission.

(12) All exhibits shall be marked at the time of hearing, using a single series of numbers, unless otherwise ordered by the commission. [¹¹]

The parties have waived hearing.¹²

But the statutes allow for entry of documents into the record by reference to the file:

⁶ 4 CSR 240-2.130.

⁷ Filed on August 3, 2010, and supplemented with an amended signature page on August 4, 2010, to make that document unanimous.

⁸ Filed on July 23, 2010.

⁹ *Partial agreement*, paragraph 23; *second agreement*, paragraph 15.

¹⁰ 4 CSR 240-2.130.

¹¹ *Id.*

Records and documents of the agency which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and documents may be considered as a part of the record by reference thereto when so offered. [¹³]

Further, the Commission's regulations provide for entering documents into evidence by reference specifically to their electronic filing:

(2) If any information contained in a document on file as a public record with the commission is offered in evidence, the document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of the document shall be specifically identified and are relevant and material. [¹⁴]

That provision contemplates the procedure that the parties request. As to specifically identifying the particular relevant and material portions of such documents, the parties' stipulation waives that procedural requirement by providing for the documents' entry into the record without such qualification.¹⁵

Therefore, the Commission will grant the motion.

THE COMMISSION ORDERS THAT:

1. The *Motion to Have Testimony, as Filed in EFIS, Received into Evidence by Reference* is granted.

2. The following documents, already filed in the Commission's electronic filing and Information system ("EFIS") shall be entered into the record with exhibit numbers in accordance with their respective EFIS Item Nos.: 1 through 12, 14, 17, 47 through 56, 59 through 61, 79 through 104, 134 through 149, 155 and 167.

¹² *Partial agreement*, paragraph 22; *second agreement*, paragraph 14.

¹³ Section 536.070(5), RSMo 2000.

¹⁴ 4 CSR 240-2.130.

3. A notation in EFIS for the issuance of this order shall stand in lieu of a notation in EFIS for any exhibit's entry into the record.

4. This order is effective immediately on issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of August 2010.

¹⁵ *Partial agreement*, paragraph 23; *second agreement*, paragraph 15.