

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 20th day of
October, 2021.

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| In the Matter of The Empire District Gas |) | |
| Company's d/b/a Liberty Request to File |) | <u>File No. GR-2021-0320</u> |
| Tariffs to Change its Rates for Natural Gas |) | Tracking No. JG-2022-0040 |
| Service |) | |

**ORDER SETTING PROCEDURAL SCHEDULE
AND ADOPTING TEST YEAR**

Issue Date: October 20, 2021

Effective Date: October 20, 2021

On August 16, 2021,¹ The Empire District Gas Company d/b/a Liberty (Liberty) filed tariff sheets designed to increase Liberty's annual base distribution gas revenues by approximately \$1.32 million, exclusive of applicable gross receipts, sales, franchise, or occupational fees or taxes. Liberty proposed a test year of the twelve months ending December 31, 2020, with a proposed true up through September 30. On August 24, the Commission issued its Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Respond to the Test Year, and Directing a Proposed Schedule.

On September 1, the Commission issued its Order Suspending Tariff, Giving Notice of Contested Case Status, Delegating Authority, and Scheduling an Evidentiary Hearing. The Commission suspended the tariff sheets filed under Tracking No. YG-2022-0040 until July 20, 2022.

On October 1, the Commission's Staff (Staff) filed its Response to Empire Gas' Test Year and Update Period Proposal. Therein Staff stated it did not oppose the

¹ All date references will be to 2021 unless otherwise stated.

12-months ending December 31, 2021, test year with an update period through September 30, 2021, so long as the Commission adopted a procedural schedule approximating the one ordered to be filed on October 12 and so long as any procedural order the Commission issued would reserve the right for any party to request a true up period at a later date if the audit and evidence justified one. No other party filed a response to Liberty's proposed test year.

On October 12, Staff filed a Proposed Procedural Schedule on behalf of the following parties: Liberty, the Office of Public Counsel, Midwest Energy Consumers Group, Missouri School Boards' Association, and Symmetry Energy Solutions, LLC. The parties' proposed procedural order suggested the evidentiary hearing occur April 25-29 and May 2-6, 2022. The Commission will adopt those evidentiary hearing dates, and will adopt the proposed test year. The Commission will address the scheduling of local public hearings, to also be held by telephone and internet conference call, in a subsequent order.

THE COMMISSION ORDERS THAT:

Procedural Schedule

1. The following procedural schedule is established:

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| Discovery Conference | November 9, 2021 |
| Discovery Conference | December 7, 2021 |
| Direct Testimony (Non-Liberty Parties, revenue requirement, Response time for DRs changes to 15 calendar days to object or notify of the need for additional time to respond) | January 24, 2022 |
| Direct Testimony (Non-Liberty parties, class cost of service and rate design) | February 15, 2022 |
| Local Public Hearings (subject to Commission Order) | February 2022 |

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| Settlement Conference | February 28, 2022 |
| Discovery Conference | March 8, 2022 |
| Rebuttal Testimony (Response time to DRs changes to 5 business days and 2 business days to object or notify of the need for additional time to respond) | March 17, 2022 |
| Settlement Conference | April 4, 2022 |
| Discovery Conference | April 5, 2022 |
| Surrebuttal Testimony | April 11, 2022 |
| Preliminary Reconciliation from Staff (not to be filed – to be provided to all Parties) | April 14, 2022 |
| List of Issues, Order of Witnesses, Order of Cross Examination | April 15, 2022 |
| Parties provide valuation of their positions to Staff for the Final Reconciliation | April 15, 2022 |
| Last Day to Request Discovery (issue a subpoena, notice a deposition, issue data requests) | April 18, 2022 |
| Joint Stipulation of Facts | April 19, 2022 |
| Last day to take a deposition or file Motion to Compel | April 20, 2022 |
| Statement of Position | April 20, 2022 |
| Final Reconciliation (to be filed) | April 22, 2022 |
| Evidentiary Hearings | April 25-29 & May 2-6, 2022 |
| Initial Post-Hearing Briefs | May 23, 2022 |
| Reply Briefs | June 2, 2022 |
| Operation of Law Date | July 20, 2022 |

Test Year, True-Up, and Update Period

2. The Parties shall utilize a twelve-month test year ending December 31, 2020, updated through September 30, 2021.

3. Although the Parties are not requesting a true-up at this time, Parties retain the right to request one at a later date if the audit and evidence justify one.

Discovery Procedures

4. The Commission adopts the following procedures regarding discovery:

- a. All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record 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. Parties shall make all reasonable efforts to not include confidential information in data request questions. If confidential information must be included in data request questions, the confidential information will be appropriately designated as such pursuant to 20 CSR 4240-2.135.
- c. Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System ("EFIS"), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if

the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. 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. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, 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 Commission rule.

- d. Until the filing of Non-Liberty Parties Revenue Requirement testimony, the response time for all data requests shall be 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 the filing of Non-Liberty Parties Revenue Requirement testimony on January 24, 2022, the response time for data requests shall be 15 calendar days to provide the requested information, and 8 calendar days to object or notify that more than 15 calendar days will be needed to provide the requested information. After the filing of Rebuttal testimony on March 17, 2022, the response time

for data requests shall be 5 business days to provide the requested information, and 2 business days to object or notify that more than 5 business days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day.

- e. Work papers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within 2 business days following the filing of the particular testimony. Work papers containing confidential information shall be appropriately marked. Counsel shall undertake to advise other counsel if the sponsored witness has no work papers related to the round of testimony.
- f. Where work papers 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 or outputs, the party providing the work paper or response shall provide this type of information in that original format with formulas intact. Work papers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- g. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.
- h. All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.

- i. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- j. Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.
- k. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- l. If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

5. The Commission shall hold an evidentiary hearing beginning on April 25, 2022, at 10:00 a.m.

6. Participants shall appear at the evidentiary hearing telephonically via WebEx conference call. As the hearing will be live-streamed, the Commission requests interested persons who will not be actively participating in the hearing to watch or listen via the live-stream. The link and access code to participate in the hearing via WebEx conference call will be emailed to all parties. Anyone needing accommodations to participate should call the Public Service Commission's Hotline at 1.800.392.4211 (voice) or Relay Missouri at 711 before the evidentiary hearing. As the impact of COVID-19 in April 2022 is unknown at the time this Order is issued, an in-person hearing may be arranged closer to the hearing upon request of the parties or by the Commission on its own motion.

7. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Graham, Regulatory Law Judge


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 20th day of October, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 20, 2021

File/Case No. GR-2021-0320

Missouri Public Service Commission

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.