

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

In the Matter of The Empire District Gas            )  
Company’s d/b/a Liberty Request to File        )  
Tariffs to Change its Rates for Natural Gas    )  
Service    )  
**File No. GR-2021-0320**

**PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”), by and through the undersigned counsel, and states that on August 23, 2021, The Empire District Gas Company d/b/a Liberty (“Empire Gas”) filed a request for authority to implement a general rate increase for natural gas service. On behalf of the following parties to this case: Empire Gas, the Office of the Public Counsel (“OPC”), Midwest Energy Consumers Group, Missouri School Boards’ Association, Symmetry Energy Solutions, LLC (collectively, “Parties”), Staff respectfully submits the following Proposed Procedural Schedule.

1. The Parties request that the Commission adopt the following procedural schedule:

**Procedural Schedule<sup>1</sup>**

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Case Filed	August 23, 2021
Discovery Conference	November 9, 2021
Discovery Conference	December 7, 2021
Direct Testimony (Non-Empire Gas parties, revenue requirement. Response time for DRs changes to 15 calendar days and 8 calendar days to object or notify of the need for additional time to respond)	January 24, 2022

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<sup>1</sup> The dates included in this proposed procedural schedule were developed by modeling the procedural schedule ordered in The Empire District Electric Company’s d/b/a Liberty pending general rate case, Case No. ER-2021-0312.

Direct Testimony (Non-Empire Gas parties, class cost of service and rate design)	February 15, 2022
Local Public Hearings (subject to Commission Order) <sup>2</sup>	February 2022
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

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<sup>2</sup> As noted in the Commission's *Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Respond to the Testy Year, and Directing a Proposed Schedule*, local and evidentiary hearings will be conducted via WebEx but may be conducted in-person depending upon future COVID 19 pandemic developments.

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 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 Parties request that the Commission adopt 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-Empire Gas 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-Empire Gas 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. Workpapers 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. Workpapers containing confidential information shall be appropriately marked. Counsel shall 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 or outputs, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers 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.

**WHEREFORE**, on behalf of the Parties, Staff respectfully submits this Proposed Procedural Schedule in compliance with the Commission's August 24, 2021 order.

Respectfully submitted,

**/s/ Jamie S. Myers**

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record on this 12<sup>th</sup> day of October, 2021.

**/s/ Jamie S. Myers**