

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri)	
Gas Energy, a division of Southern Union)	
Company, for an Accounting Authority Order)	<u>Case No. GU-2007-0480</u>
Concerning Environmental Compliance)	
Activities)	

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date April 17, 2008

Effective Date: April 17, 2008

Missouri Gas Energy, a division of Southern Union Company, filed a motion to set the following proposed procedural schedule:

Direct Testimony (MGE)	April 10, 2008
Rebuttal Testimony (Staff/OPC)	May 23
Surrebuttal Testimony (All Parties)	June 13
Settlement Conference	June 19-20
List of Issues, Order of Cross, Order of Witnesses	June 27
Parties' Positions Statements	July 8
Evidentiary Hearing	July 14-15

The Office of the Public Counsel filed a response to MGE's proposed schedule. Public Counsel states that the procedural schedule, as proposed by MGE, does not allow enough time for discovery between direct and rebuttal testimonies. Also, because Public Counsel suspects that MGE may introduce additional evidence in its surrebuttal testimony,

Public Counsel requests an opportunity to respond to MGE's surrebuttal. To address its concerns, Public Counsel suggests the following schedule:

Direct Testimony (MGE)	April 10, 2008
Rebuttal Testimony (Staff/OPC)	June 18
Surrebuttal Testimony (MGE)	July 9
Responsive Surrebuttal (Staff/OPC)	August 12
Settlement Conference	August 18-19
List of Issues, Order of Cross, Order of Witnesses	August 26
Parties' Position Statements	September 4
Evidentiary Hearing	September 17-18

Public Counsel goes on to state that if the Commission does not adopt the longer schedule, that it should adopt the following schedule proposed by Staff:

Direct Testimony (MGE)	April 10, 2008
Rebuttal Testimony (Staff/OPC)	June 18
Surrebuttal Testimony (MGE)	July 9
Settlement Conference	July 15-16
List of Issues, Order of Cross, Order of Witnesses	July 23
Parties' Positions Statements	August 5
Evidentiary Hearing	August 11-12

MGE filed a reply to Public Counsel Response. Particularly, MGE points out that this matter has been open since June of 2007 and that there has been plenty of time for discovery. MGE also emphasizes that it has incurred relevant costs and that it would like to have a Commission order resolving this matter prior to the end of the year.

Discussion

With regard to Public Counsel's concerns, the Commission will allow additional time for Staff and Public Counsel to file rebuttal testimony. Public Counsel suggests that such testimony be filed over two months after the filing of direct. As MGE points out, this matter has been open since June 13, 2007, when MGE filed its application with the Commission. The Commission suspects that the parties have had plenty of time to familiarize themselves with the issues and the specific points of contention.

Public Counsel's suggestion that it be allowed to respond to MGE's surrebuttal is, as MGE points out, unorthodox. Public Counsel's concerns are addressed by Commission rule 4 CSR 240-2.130(7)-(A), which states that direct testimony shall include all testimony and exhibits explaining that party's entire case. MGE is not allowed to introduce new evidence through its surrebuttal testimony. Hence, the Commission will not afford Public Counsel the opportunity to respond to MGE's surrebuttal.

Conclusion

The procedural schedule suggested by Staff, as indicated by Public Counsel, will serve the needs of all of the parties and is most convenient for the Commission. That schedule will allow Public Counsel the time it needs to prepare and is fair to MGE in that it the matter will be submitted to the Commission with sufficient time for the Commission to issue a final order prior to the end of the year. In light of this, the parties should expect a tight post-hearing briefing schedule.

IT IS ORDERED THAT:

1. The following procedural is adopted:

Direct Testimony (MGE)

April 10, 2008

Rebuttal Testimony (Staff/OPC)

June 18

Surrebuttal Testimony (MGE)	July 9
Settlement Conference	July 15-16
List of Issues, Order of Cross, Order of Witnesses	July 23
Parties' Positions Statements	August 5
Evidentiary Hearing	August 11-12 8:30 a.m.

The hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Room 310, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing 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.

2. This order shall become effective on April 17, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of April, 2008.