

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

Missouri Propane Gas Association,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2016-0083
)	
Summit Natural Gas of Missouri, Inc.,)	
)	
Respondent.)	

**MOTION OF SUMMIT NATURAL GAS OF MISSOURI
TO ADOPT PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Summit Natural Gas of Missouri, Inc. (“Summit”), and for its Motion to Adopt Proposed Procedural Schedule states as follows:

1. On October 2, 2015, the Missouri Propane Gas Association ("MPGA") filed a Complaint against Summit. As the Complainant, MPGA bears the burden of proof in this matter, and that burden never shifts.¹ Now that Summit has seen MPGA's case in chief, Summit will file a dispositive motion asking the Commission to recognize that MPGA has failed to meet its burden of proving the allegations in the Complaint. In the proposed schedule below, the filing of that motion (along with responses, replies and the Commission's determination) are properly set forth as the next steps in this case. If the Commission agrees with Summit that MPGA has failed to meet its burden, Summit's proposed schedule will spare the parties, the Commission, the Commission's Staff, and the Public Counsel, of unnecessarily proceeding with a case that has not been proven in the first instance.

¹ State ex rel. GS Technologies Operating Co., Inc. v. Public Service Commission, 116 S.W.3d 680 (Mo. App. 2003).

2. Summit and MPGA were not able to come to an agreement on a proposed procedural schedule. Summit understands that MPGA will file a proposed procedural schedule that requires Summit to take and defend depositions, conduct all other discovery, and prepare and file rebuttal testimony, all before the Commission rules on Summit's dispositive motion. Not only is this process contrary to the interests of judicial efficiency, but it is directly contrary to the process that MPGA instigated when MPGA filed its own dispositive motion. MPGA filed a Motion for Partial Summary Determination in this case in May 2016, and then requested that all further case activities be stayed until after the Commission ruled on the Motion for Partial Summary Determination. The Commission found this procedure to be reasonable, and stayed all filings except for responses to the Motion for Partial Summary Determination. Summit's proposed schedule below follows the same reasonable approach.

3. Both Staff and the Office of the Public Counsel have represented that they do not object to Summit's proposed schedule.

4. Summit proposes the following schedule:

- February 1 (Wednesday) MPGA files Direct Testimony
- March 1 (Wednesday) Deadline for Dispositive Motions
- March 31 (Friday) Responses to Dispositive Motions
- April 14 (Friday) Replies to Responses to Dispositive Motions
- June 14 (Wednesday) Commission Rules on Dispositive Motions²
- July 10 Depositions (to be scheduled by agreement) of
MPGA witness held by July 10
- August 4 (Friday) All parties file Rebuttal Testimony

² This date is necessarily an estimate. If the actual ruling is earlier or later, the remainder of the schedule would be adjusted accordingly. If the Commission's ruling disposes of all issues, the subsequently scheduled events would be cancelled.

- August 31 Depositions (to be scheduled by agreement) of Summit witnesses (and Staff and OPC witnesses, if any) held by August 31
- September 26 (Tuesday) All parties file Surrebuttal Testimony
- October 16 (Monday) List of Issues; Order of Witnesses, Cross-examination and Opening Statements (to be filed by Summit)
- October 18 (Wednesday) Statements of Positions
- October 24-25 (Tuesday-Wednesday) Evidentiary Hearing
- November 14 (Tuesday) Post-Hearing Initial Briefs (hearing transcripts expedited)
- November 28 (Tuesday) Post-Hearing Reply Briefs

WHEREFORE, Summit respectfully submits this proposed procedural schedule and moves that the Commission adopt it.

Respectfully Submitted,

By: /s/ Lewis Mills

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**ATTORNEY FOR SUMMIT NATURAL
 GAS OF MISSOURI, INC.**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed to all parties of record this 9th day of February, 2017.

/s/ Lewis Mills

Lewis Mills