

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

In the Matter of the Joint Application of Atmos Energy)
Corporation and Liberty Energy (Midstates) Corp. for)
Authority to Sell Certain Missouri Assets to Liberty)
Energy (Midstates) Corp. and, in Connection Therewith,)
Certain Other Related Transactions.)
File No. GM-2012-0037

**JOINT PROPOSED PROCEDURAL SCHEDULE AND PROPOSAL REGARDING
CERTAIN PROCEDURAL MATTERS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and on behalf of the Staff, Atmos Energy Corporation (Atmos), Liberty Energy (Midstates) Corp. (Liberty), the Office of the Public Counsel (OPC), and IBEW Local 1439 (IBEW) (collectively the “Parties”) states as follows:

1. On August 1, 2011, Atmos and Liberty filed a joint application with the Missouri Public Service Commission (Commission) in the above-captioned case.
2. On September 22, 2011, the Parties participated in a pre-hearing conference held in part for the purpose of developing a procedural schedule for filing with the Commission not later than September 29, 2011, pursuant to the Commission’s September 12th *Order Granting Intervention And Setting Prehearing Conference*.
3. The Parties have discussed the procedural matters listed below and have authorized the Staff to file the following proposed procedural schedule:

Technical Conference (Note: Staff will provide agenda to Parties by September 30, 2011)	October 12, 2011
Exchange List of Conditions (Non-applicant parties provide their lists to all parties)	November 18, 2011

Settlement Conference (December 6 th 8AM-Noon)	December 1-2 and 5-6, 2011
Rebuttal (all issues including finance issue)	January 9, 2012
Surrebuttal – All Parties	January 30, 2012
List of Issues/ Order of Witnesses/ Order of Cross	February 1, 2012
Discovery Cutoff (no new discovery requests)	February 3, 2012
Position Statements	February 8, 2012
Hearings or On the Record Presentation	February 15 - 16, 2012

4. The parties propose the following procedures and request that these procedures be accepted by the Commission:

- a. All parties shall provide copies of exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such exhibits or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- b. Whenever possible data request questions should not contain either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be prominently marked and appropriately designated as such pursuant to 4 CSR 240-2.135.
- c. Data request responses will be served on counsel for the requesting party 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. When serving data requests, counsel for each party shall send to counsel for each other party an electronic copy of the text of data request "descriptions." If the description contains highly confidential or proprietary information, or is voluminous,

a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.

- d. Any party seeking the response to a data request that has been issued by another party shall request a copy of the response from the party answering the data request.
- e. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- f. For data requests served before the filing of rebuttal 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. For data requests served after the filing of rebuttal testimony, the response time for data requests shall be 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information. For data requests served after the filing of surrebuttal testimony, the response time for data requests shall be 5 business days to provide the requested information, and 3 business days to object or notify that more than 5 business days will be needed to provide the requested information.
- g. Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.
- h. 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, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.

- i. The parties request that the Commission waive 4 CSR 240-2.045(2) and 2.080(11) and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.
- j. The parties agree that filings may be properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

WHEREFORE, the Staff, on behalf of the Parties, submits its *Joint Proposed Procedural Schedule and Proposal Regarding Certain Procedural Matters* as directed by the Commission and respectfully requests that the Commission order the procedural matters as set forth herein.

Respectfully submitted,

/s/ Robert S. Berlin

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27th day of September, 2011.

/s/ Robert S. Berlin