

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

In the Matter of Missouri Gas Energy, Inc.'s)
Filing of Revised Tariffs to Increase its Annual)
Revenues for Natural Gas) **Case No. GR-2014-0007**

RECOMMENDATION OF THE PARTIES REGARDING PROCEDURAL SCHEDULE

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”), by and through counsel, on behalf of all parties to this case (collectively, “Parties”), and in response to the Commission’s September 17, 2013 *Order Suspending Tariff, Directing Notice, Setting Hearings and Directing Filings*, respectfully submits the following recommendation by the Parties for their procedural schedule:

Proposed Procedural Schedule

1. The Parties agree to provide all workpapers (in electronic format, whenever feasible) within two (2) business days following the date when the related testimony is filed.

2. 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.

3. 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 shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

4. The Parties make the following agreements regarding response time for data requests:

(A) Until direct testimony is filed on January 23, 2014, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

(B) After January 23, 2014, until rebuttal testimony is filed on February 26, 2014, the response time for data requests shall be fifteen (15) calendar days to provide the requested information, and eight (8) calendar days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information.

(C) After rebuttal testimony is filed on February 26, 2014, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information.

5. The parties agree to the following provisions regarding discovery:

(A) Discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.

(B) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.

(C) Discovery conferences shall be on the record and shall be transcribed by a court reporter.

(D) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(E) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

(F) If the parties do not identify any discovery disagreements or concerns as described in Paragraph 5(B), the time allotted for the discovery conference may be used for informal, off-the-record technical conferences as arranged in advance by the Parties.

(G) All data requests, subpoenas, or other discovery requests shall be issued no later than April 7, 2014. With respect to deposing a witness, so long as a notice of deposition is issued by April 7, 2014, the deposition may occur,

notwithstanding that the deposition will take place after April 7, 2014, or that there could be other conditions that must be satisfied prior to the deposition.

(H) All motions to compel a response to any discovery request related to the direct case shall be filed no later than April 11, 2014. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the hearings on April 14, 2014.

(I) The Parties shall make an effort to not include in data request questions either highly confidential or proprietary information, and the Parties shall make an effort not to over-designate information as either highly confidential or proprietary. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

(J) Any data requests between Staff and Laclede/MGE shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued between Staff and Laclede/MGE, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on

the certified service list. Data request responses, other than responses to data requests issued between Staff and Laclede/MGE, will be served on counsel for 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. 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 in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

6. The Parties recommend that the Commission adopt the historical test year period for the year ending April 30, 2013, to be updated for known and measurable changes through September 30, 2013. The Parties further agree to true-up known and measurable revenue, rate base and expense items through December 31, 2013 in a manner that results in a reasonable matching among such items. Laclede/MGE will make true-up information available on or before January 24, 2014. As set forth in the procedural schedule below, the parties will file supplemental direct testimony on these true-up items by February 14, 2014. Thereafter, true-up issues will be incorporated into rebuttal and surrebuttal testimony and addressed, if necessary, during the evidentiary hearing scheduled April 14 – April 25, 2014. Accordingly, the procedural schedule below does not provide for separate true-up testimony or a separate true-up hearing.

7. The Parties further recommend the Commission adopt the following procedural schedule:

<u>Item</u>	<u>Date</u>
Procedure Schedule Filed	November 5, 2013
OPC Files Recommended PH Dates	November 15, 2013
Early Settlement Conference	November 18, 2013
Discovery Conference	December 4, 2013
Discovery Conference	January 8, 2014
Non-Laclede/MGE parties to file Direct Testimony on revenue requirement	January 23, 2014
Data Request Response Time Changes to (15) calendar days/(8) calendar days to object	January 24, 2014
Discovery Conference	February 5, 2014
Non-Laclede/MGE parties to file Direct Testimony on rate design	February 5, 2014
Preliminary Reconciliation circulated to the parties	February 7, 2014
Settlement Conference	February 10-11, 2014
Non-Laclede/MGE parties to file Supplemental Direct Testimony to true-up case to December 31, 2013	February 14, 2014
Public Hearings	Feb. 17 – Feb. 28, 2014
All parties to file Rebuttal Testimony	February 26, 2014
Data Request Response Time Changes to (5) business days /(3) business days to object	February 27, 2014

Preliminary list of issues circulated among the parties	February 28, 2014
Discovery Conference	March 12, 2014
Settlement Conference	March 12-14, 2014
All parties to file Surrebuttal or Cross-Surrebuttal Testimony (Friday)	March 28, 2014
Close of Discovery for Direct case	April 7, 2014
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	April 7, 2014
Reconciliation	April 9, 2014
Statements of Position	April 11, 2014
Evidentiary Hearing/ Settlement Conference (if necessary)	April 14 – April 25, 2014
All parties file Initial Post-Hearing briefs	May 30, 2014
All parties file Reply briefs	June 16, 2014
Report and Order Issue Date	July 14, 2014
Operation of Law Date:	August 13, 2014

Respectfully Submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

/s/ John D. Borgmeyer

John D. Borgmeyer
Deputy Staff Counsel
Missouri Bar No. 61992
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
Telephone: (573) 751-5472
Fax: (573) 751-9285
Email: john.borgmeyer@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 5th day of November, 2013.

/s/ John D. Borgmeyer