

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

In the Matter of the Application of)	
Laclede Gas Company to Change its)	Case No. GO-2017-0201
Infrastructure System Replacement)	
Surcharge in its Missouri Gas Energy)	
Service Territory)	

In the Matter of the Application of)	
Laclede Gas Company to Change its)	Case No. GO-2017-0202
Infrastructure System Replacement)	
Surcharge in its Laclede Gas Service)	
Territory)	

**OPC REPLY TO LACLEDE’S MOTION FOR ORDER
REQUIRING OPC’S RECOMMENDATION WITHIN 60 DAYS**

And

OPC’S MOTION TO REDUCE DISCOVERY RESPONSE TIMES

COMES NOW the Office of the Public Counsel (“OPC”) and for its Reply to Laclede’s Motion for Order Requiring OPC’s Recommendation within 60 Days and additional OPC Motion to Reduce Discovery Response Times, states:

1. Laclede Gas Company’s (“Laclede”) February 3, 2017 motion requests a Commission order requiring OPC to file its recommendation within 60-days of when Laclede filed its petitions, or by April 4, 2017. Although OPC does not typically file recommendations with the Commission, OPC understands Laclede’s motion to be requesting an order limiting OPC’s initial response to the petitions to sixty days.
2. In an effort to expedite OPC’s review of Laclede’s petitions, OPC issued its first round of data requests to Laclede on February 6, 2017. Pursuant to the

Commission's discovery rules, Laclede's twenty-day responses to those data requests are due on February 27, 2017.

3. The Commission's discovery rules and the twenty-day turnaround requirement predate the Infrastructure System Replacement Surcharge ("ISRS") and were promulgated without knowledge of the short time-frame and large amount of data to be reviewed in ISRS petitions, and were instead adopted in recognition of the demands of an eleven month rate case proceeding.

4. The twenty-day turnaround on discovery has been problematic in ISRS petitions because of the narrow window in which to request information to understand the basis for a proposed ISRS increase regarding tens of millions of investment dollars. For example, OPC's data requests issued on February 6, 2017 will likely not be answered until the due date of Monday, February 27, 2017, since Laclede's customary practice is to answer OPC's ISRS data requests on the very last day due (whereas Laclede's customary practice is to answer Staff data requests in less than a week). If OPC is able to study Laclede's answers within a week, issue follow-up data requests also within a week (which is an unreasonable expectation given the large amount of data to review and OPC's involvement in other Commission cases), OPC would not receive responses to the second round of discovery until March 27, 2017 – only a week before Laclede wants OPC to respond to the petitions.

5. Further compounding the discovery problem is the fact that Laclede will likely not provide the supporting documentation for the January costs until *sometime later this month*, and will likely not provide the supporting documentation for the February costs until *sometime in March*. Further burdening a review of Laclede's ISRS

is the fact that Laclede files the ISRS petitions for its two operating units, the two largest gas utilities in Missouri, on the same day, thereby doubling the work review demands.

6. OPC moves the Commission to modify the response times for discovery as follows: For data requests issued after an order modifying the discovery response time, the normal discovery response time is reduced to fifteen (15) days to answer and eight (8) days to object or provide reasons for a party's inability to answer. For discovery based on the late-submitted supporting documentation provided for the January and February 2017 project costs, discovery response time is modified to ten (10) days to answer and five (5) days to object or provide reasons for a party's inability to answer.

7. This motion is consistent with the shortened discovery time the Commission routinely approves in rate cases, where the response time for discovery is often reduced to five days to respond, and three days to object. If discovery response times are changed as proposed herein, OPC has no objection to Laclede's motion for OPC to respond to the petitions within sixty days from when the petitions were filed.

WHEREFORE, the Office of the Public Counsel respectfully offers this Reply to Laclede's Motion for Order Requiring OPC's Recommendation within 60 Days, and additional OPC Motion to Reduce Discovery Response Times.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 9th day of February 2017.

/s/ Marc Poston
