

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18<sup>th</sup> day of September, 2019.

In the Matter of the Application of Spire	)	
Missouri, Inc. to Change its Infrastructure	)	<b><u>File No. GO-2019-0356</u></b>
System Replacement Surcharge in its Spire	)	Tracking No. YG-2020-0009
Missouri East Service Territory	)	

In the Matter of the Application of Spire	)	
Missouri, Inc. to Change its Infrastructure	)	<b><u>File No. GO-2019-0357</u></b>
System Replacement Surcharge in its Spire	)	Tracking No. YG-2020-0010
Missouri West Service Territory	)	

**ORDER SCHEDULING EVIDENTIARY HEARING AND  
ESTABLISHING PROCEDURAL SCHEDULE  
AND OTHER PROCEDURAL REQUIREMENTS**

Issue Date: September 18, 2019

Effective Date: September 18, 2019

On July 17, 2019, the Commission issued its Order Directing Notice, Setting Intervention Deadline, and Directing Filings, and on July 25, 2019, the Commission issued an Order Suspending Tariffs, suspending the tariffs in this matter until November 12, 2019. Pursuant to those orders, on September 13, 2019, the Staff of the Commission (Staff) filed its recommendation and the Office of the Public Counsel (Public Counsel) filed its objections and request for a hearing. Staff recommended rejection of the infrastructure system replacement surcharge (ISRS) tariff sheets (Tariff Tracking Nos. YG-2020-0009 and YG-2020-0010) and approval of Staff's proposed ISRS surcharge revenues and rates for each of Spire Missouri, Inc.'s (Spire Missouri's) service areas.<sup>1</sup>

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<sup>1</sup> See File No. GO-2020-0356, *Staff Recommendation* (filed September 13, 2019); and File No. GO - 2020-0357, *Staff Recommendation* (filed September 13, 2019).

Public Counsel made several objections to Spire Missouri's ISRS tariffs and requested an evidentiary hearing.

The Commission has previously ordered Spire Missouri to respond to the recommendations and objections no later than September 19, 2019. However, because a Commission decision must be effective by November 12, 2019, the Commission will not delay in setting an expedited procedural schedule. The Commission will consolidate these files for purposes of the evidentiary hearing.

The parties communicated with the Regulatory Law Judge by telephone and email on September 13, 2019, to discuss the procedural schedule and they proposed the schedule set out below. Additionally, in previous cases similar to these, the parties reached a general understanding that after the filing of direct testimony, there should not be a need for extensive data requests that are not directly responsive to the direct testimony and that could have been issued prior to that date. The parties also previously agreed that due to the short statutory timeframe in ISRS cases, the parties will be conscientious in responding to data requests in a timely manner. The Commission will establish an expedited procedural schedule and order additional procedural requirements giving consideration to these prior agreements in similar cases.

**THE COMMISSION ORDERS THAT:**

1. A consolidated evidentiary hearing is scheduled for File Nos. GO-2019-0356 and GO-2019-0357 on October 2-3, 2019, beginning at 9:00 a.m. on the first day. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional

accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

2. The following procedural schedule is established:

<b>Date</b>	<b>Event</b>
September 27, 2019	Simultaneous direct testimony -- all parties
September 30, 2019	List of issues, list and order of witnesses, order of cross-examination, order of opening statements – no later than 5:00 p.m.
October 1, 2019	Position statements – no later than 12:00 p.m.
October 2-3, 2019	Evidentiary hearing
October 4, 2019 <sup>2</sup>	Expedited transcripts due to Commission
October 11, 2019	Simultaneous post-hearing briefs

3. Each party will have the opportunity to provide live rebuttal testimony at the evidentiary hearing relating to the pre-filed testimony of any witness.

4. After September 27, 2019, the response time for data requests shall be two business days to provide the requested information, and one business day to object or notify that more than two business days will be needed to provide the requested information.

5. The parties shall comply with the following additional procedural requirements:

- A. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel 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.

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<sup>2</sup> The parties' proposed procedural schedule had October 7, 2019 as the date for the expedited transcripts, but the Commission will order the transcripts to be provided by the court reporter no later than October 4, 2019.

- B. 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 on the same day as the filing of the particular testimony without further request. Workpapers containing confidential 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 within the time period for providing workpapers if the sponsored witness has no workpapers related to the round of testimony.
- C. 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, if available in the original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- D. Except as specifically ordered, all filings made through the Commission's Electronic Filing and Information System (EFIS) will be timely filed if filed before midnight on the date the filing is due. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- E. Direct testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130.<sup>3</sup> All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- F. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, the order of party cross-examination for each witness, and the order of

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<sup>3</sup> Effective August 28, 2019, all of the Commission's regulations were transferred from the Department of Economic Development's (DED) Title 4 to the Department of Commerce and Insurance's (DCI) (formerly Department of Insurance, Financial Institutions and Professional Registration) Title 20.

opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list. The Commission will view any issue not contained in these issues lists as uncontested and not requiring resolution by the Commission.

- G. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under that law with citations to any pre-filed testimony in support.
- H. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.
- I. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.
- J. Exhibit numbers are assigned in the following manner:

Spire Missouri	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299

- K. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge by email no later than **September 30, 2019**. The lists shall not be filed in the EFIS case file. Exhibits that are offered during live testimony that have not been pre-filed, need not be included on the list.

6. This order shall become effective when issued.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary



Silvey, Chm., Kenney, Hall,  
Rupp, and Coleman, CC., concur.

Dippell, Senior Regulatory Law Judge