

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 13th day of March, 2013.

In the Matter of Laclede Gas Company's Filing)
of Revised Tariffs to Increase its Annual) **File No. GR-2013-0171**
Revenues for Natural Gas) Tariff No. YG-2013-0292

**ORDER ADOPTING RECOMMENDED PROCEDURAL SCHEDULE,
ESTABLISHING TEST YEAR, AND DELEGATING AUTHORITY**

Issue Date: March 13, 2013

Effective Date: March 13, 2013

On February 27, 2013, the Staff of the Commission, on behalf of the parties, filed a Second Recommendation of the Parties Regarding Procedural Schedule, Public Hearings and Customer Notice. The parties agree on certain conditions regarding discovery, which the Commission will incorporate into this order. In particular, the Staff of the Commission filed a motion for an order requiring that data requests and responses between Staff and any other party be submitted in the Commission's Electronic Filing and Information System (EFIS). In the recommended procedural schedule, the parties agree that data requests and responses between Staff and any other party be submitted to EFIS. Because all of the parties agree and have made this a condition of discovery, the Commission need not rule on the motion.

To ensure that discovery disputes are promptly resolved, the Commission will, under Section 386.240, RSMo, delegate its authority to the presiding regulatory law judge to rule on discovery disputes raised at discovery conferences and motions to compel.

As proposed by Laclede, Staff is amenable to a historical test year ending September 30, 2012, to be updated for all known and measurable changes through March 31, 2013. The Commission will therefore set this time frame as the historical test year and update.

The parties have suggested certain times and places for 6 Local Public Hearings in June. The Commission will issue a subsequent order setting those hearings.

The parties agree to the following, ordered procedural conditions and to the procedural schedule set out in ordered paragraph #6.

THE COMMISSION ORDERS THAT:

1. The parties shall provide all work papers (in electronic format, whenever feasible) within 2 business days following the date when the related testimony is filed.

2. Where work papers 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 work paper 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 concurrent 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 shall comply with the following agreements regarding response time for data requests:

(A) Until direct testimony is filed on May 17, 2013, the response time for all data requests shall be 20 calendar days, with 10 calendar days to object or notify the requesting party that more than 20 calendar days will be needed to provide the requested information.

(B) After May 17, 2013, until rebuttal testimony is filed on July 3, 2013, the response time for data requests shall be 15 calendar days to provide the requested information, and 8 calendar days to object or notify the requesting party that more than 15 calendar days will be needed to provide the requested information.

(C) After rebuttal testimony is filed on July 3, 2013, the response time for data requests shall be 5 business days to provide the requested information and 3 business days to object or notify the requesting party that more than 5 business days will be needed to provide the requested information.

(D) If later in the case the Commission determines that a true-up is necessary, the response time for true-up data requests issued after the hearing shall be 3 business days to provide the requested information, and 1 business day to object or notify the requesting party that more than 3 business days will be needed to provide the requested information.

5. The parties shall comply with 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 or in the Commission's offices in St. Louis, Missouri. Each discovery conference will begin at 10:00 a.m.

(B) Not less than 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 need not 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) The requirement under Commission rule 4 CSR 240-2.090, requiring parties to 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 by the parties.

(G) All data requests, subpoenas, or other discovery requests shall be issued no later than July 26, 2013. With respect to deposing a witness, so long as notice of the deposition is issued by July 26, 2013, the deposition may occur even though the deposition will take place after July 26, 2013, or that other conditions 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 August 2, 2013.

(I) Except for the period between July 26 and August 16, data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, that are directed toward the true-up phase of this case (if later determined by the Commission to be necessary) may be issued through September 3, 2013. With respect to deposing a witness relating to the true-up phase, so long as a notice of deposition is issued by August 30, 2013, the deposition may occur even though the deposition will take place after August 30, 2013.

(J) All motions to compel a response to any discovery request related to the true-up case shall be filed no later than September 9, 2013.

(K) The parties shall make an effort to not include in data-request questions 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 appropriately designated as such pursuant to 4 CSR 2402.135.

(L) Any data requests issued to or issued by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued to or by Staff, 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 to or issued by Staff, 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 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 following procedural schedule is adopted:

Discovery Conference	March 19, 2013 ¹
Discovery Conference	April 19
Non-Laclede parties to file Direct Testimony on revenue requirement	May 17
Data Request Response Time Change to 15 Calendar days/8 calendar days to object	May 18
Discovery Conference	May 23
Non-Laclede parties to filed Direct Testimony on rate design	May 31
Preliminary Reconciliation circulated to parties	May 31
Early Technical/Settlement Conference (informal)	June 11-14
Discovery Conference	June 20
Preliminary list of issues circulated among parties	June 26

¹ All dates are in the year 2013.

All parties file Rebuttal Testimony	July 3
Data Request Response Time Changes to 5 business days/3 business days to object	July 4
Settlement Conference (informal)	July 8-9
Discovery Conference	July 10
All parties to file Surrebuttal or Cross-Surrebuttal Testimony	July 22
Close of Discovery for Direct case	July 26
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	July 29
Reconciliation	July 29
Statement of Position	August 1
Settlement Conference (if necessary and informal)	August 1-2
Evidentiary Hearing	August 7-16
True-Up Data Request Response Time Changes to 3 business days/1 business day to object (on the day after end of evidentiary hearing, but no later than August 16)	August 7-16
All parties file True-Up Direct Testimony (if necessary)	August 29
Close of Discovery for True-Up case (if necessary)	September 3
All parties file True-Up Rebuttal Testimony (if necessary)	September 9
True-Up Hearing (if necessary)	Sep. 12-13
All parties file initial post-hearing briefs	September 19
All parties file Reply/True-Up Briefs	September 27

7. This order shall become effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink that reads "Shelley Brueggemann". The signature is written in a cursive style with a large initial 'S'.

Shelley Brueggemann
Acting Secretary

R. Kenney, Chm., Jarrett,
Stoll, and W. Kenney, CC., concur.

Jones, Senior Regulatory Law Judge