

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Missouri Gas Energy's)
Purchased Gas Adjustment (PGA) Factors) **Case No. GR-2003-0330**
to be Audited in Its 2002-2003 Actual)
Cost Adjustment)

In the Matter of Missouri Gas Energy's)
Purchased Gas Adjustment Tariff Revisions) **Case No. GR-2002-348**
to be Reviewed in Its 2001-2002 Actual)
Cost Adjustment)

ORDER CONSOLIDATING CASES AND ESTABLISHING PROCEDURAL SCHEDULE

The Commission currently has cases pending regarding Missouri Gas Energy's Actual Cost Adjustments (ACA) for 2001-2002 and 2002-2003. On April 7, 2005, the Commission's Staff filed a motion asking the Commission to consolidate those two cases. In the same motion, Staff proposed a procedural schedule that would lead to a hearing in the consolidated case. Staff indicates that the issues to be litigated in the two cases are factually similar and applicable to both ACA periods. Staff represents that all parties agree that the issues need be litigated only once and that consolidation is appropriate.

4 CSR 240-2.110(3) provides that the Commission may act to consolidate pending actions involving related questions of law or fact. The issues in both of the cases are expected to be substantially similar, if not identical. Consolidating the two cases will conserve the time and resources of the parties, as well as those of the Commission. Therefore, the cases will be consolidated for all purposes. Case Number GR-2003-0330

will be designated as the lead case and hereafter all pleadings filed in the consolidated case will be filed in GR-2003-0330. The protective order that was adopted in GR-2002-348 shall continue to apply to the consolidated case.

One of the issues common to both cases is the Kansas Pipeline issue, which is currently pending before the Missouri Supreme Court. Until that appeal is resolved, the Commission cannot move forward on that issue. In GR-2002-348, the Commission has decided to move forward with other issues while waiting for an appellate decision on the Kansas Pipeline issue. The Commission has not previously decided the bifurcation question in GR-2003-0330, but Staff, with the concurrence of the other parties, recommends that the Commission take the same action in the consolidated case. The Commission will do so.

The procedural schedule proposed by the parties is reasonable and will be adopted, with one modification. The parties will be ordered to file their position statements on October 25 rather than October 27. That change will allow the Commission to consider and discuss those positions at its agenda meeting on October 27, the last agenda meeting before the beginning of the hearing.

The Commission finds that the following conditions should be applied:

(A) The Commission will require that testimony be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions, and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) Pursuant to Commission Rule 4 CSR 240-2.130(15), testimony and schedules may not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established will be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they will be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and may not contain argument about why the party believes its position to be the correct one.

(E) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and should set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(F) All parties are required to 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 should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the presiding judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That Case Number GR-2002-348 is consolidated with Case Number GR-2003-0330. Case Number GR-2003-0330 is designated as the lead case.

2. That the Kansas Pipeline issue is bifurcated from the other pending issues and will be considered separately after a final appellate decision is issued.

3. That the following procedural schedule is established:

Direct Testimony	-	June 30, 2005
Rebuttal Testimony	-	August 29, 2005
Surrebuttal Testimony	-	October 13, 2005
List of Issues	-	October 20, 2005
Position Statements	-	October 25, 2005
Hearing	-	November 1, 2, 3, & 4, 2005, beginning at 8:30 a.m.

4. That the evidentiary hearing will be held in the offices of the Missouri Public Service Commission in Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. That the protective order issued in GR-2002-348 on December 23, 2004, shall remain in effect for the consolidated case.

6. That this order shall become effective on April 12, 2005.

BY THE COMMISSION

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Morris Woodruff, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of April, 2005.