

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

In the Matter of )  
Summit Natural Gas of Missouri Inc.'s ) File No. GR-2014-0086  
Filing of Revised Tariffs to Increase Its ) Tracking No. YG-2014-0285  
Annual Revenues for Natural Gas Service )

**ORDER AMENDING PROCEDURAL SCHEDULE  
AND TERMS OF DISCOVERY**

Issue Date: June 23, 2014

Effective Date: June 23, 2014

On June 10, 2014, Staff filed a *Staff Statement Describing Discovery Concern and Motion for Reconsideration*, which included a motion to compel<sup>1</sup> (“motion”). The motion sought compliance with discovery responses served five months earlier. More timely resolution of discovery disputes, in the Commission’s experience, prevents undue burdens on the parties and on the Commission.

To encourage timely resolution of discovery disputes, the Commission solicited the parties’ suggestions on a filing time for discovery motions.<sup>2</sup> Staff filed a response on behalf of all parties.<sup>3</sup> The parties stated no opposition to the ten-day filing time as set forth in this order, except the Office of the Public Counsel (“OPC”).

In opposition to the ten-day filing time, OPC expresses concern that manipulation of the discovery process--service of intentionally incomplete responses—will foreclose discovery, so cautious practice will require fewer extensions of time among parties and more motions to compel. But informal resolutions of discovery disputes remain possible,

---

<sup>1</sup> Included in *Staff Statement Describing Discovery Concern and Motion for Reconsideration*, Electronic Filing and Information System No. 49, filed on June 10, 2014.

<sup>2</sup> EFIS No. 55, *Order Directing Filing*, issued on June 16, 2014.

<sup>3</sup> EFIS No. 58, *Response to Commission Order*, filed on June 19, 2014.

and the parties are not without remedies for tactical behavior, including the service of further discovery. Periodic discovery conferences are in place to address discovery motions as they arise.

As an alternative to the ten-day filing time, OPC suggests a single deadline for the filing of all discovery motions, related to hearing dates. OPC's suggestion is not inconsistent with the ten-day deadline, meets with no opposition from any party, and already exists in part.<sup>4</sup> The Commission will include OPC's suggestion in an amendment to the procedural schedule and terms of discovery.

Therefore, the Commission will amend the procedural schedule and terms of discovery as follows.

**THE COMMISSION ORDERS THAT:**

1. The *Order Setting Procedural Schedule and Terms of Discovery* is amended as follows.

- a. Any motion related to any discovery response, including a motion to compel compliance with discovery, shall be filed no later than the earlier of: ten days after the service of the discovery response; or five business days before the start of the hearing to which the discovery relates: direct or true-up.
- b. The Commission may extend the time for filing any motion related to any discovery response, including a motion to compel compliance with discovery, based on factors including, without limitation: the fault of the

---

<sup>4</sup> EFIS No. 27, *Order Setting Procedural Schedule and Terms Of Discovery*, issued on February 26, 2014, page 5, subparagraph (H) of paragraph 6.

movant or responding party; and the degree of burden on the parties and the Commission.

2. This order is effective immediately on issuance.

**BY THE COMMISSION**



*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

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

Dated at Jefferson City, Missouri,  
on this 23<sup>rd</sup> day of June, 2014.