

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

In the Matter of Laclede Gas Company’s ) **File No. GR-2017-0215**  
Request to Increase Its Revenue for Gas Service. )

In the Matter of Laclede Gas Company d/b/a ) **File No. GR-2017-0216**  
Missouri Gas Energy’s Request to Increase Its )  
Revenues for Gas Service. )

**AMENDED PROPOSED PROCEDURAL ORDER**

**COMES NOW** the Staff (“Staff”) of the Missouri Public Service Commission, by and through counsel, and states that on April 11, 2017, Laclede Gas Company (“Laclede”) and Missouri Gas Energy (“MGE”) filed separate requests to increase their revenues for gas service. All of the parties to the case: Staff, the Office of the Public Counsel, Laclede and Missouri Gas Energy, Midwest Energy Consumers Group, Division of Energy, USW 11-6, Missouri Industrial Energy Consumers, the City of St. Joseph, the Consumers Council of Missouri, MoGas Pipeline, Kansas City Power and Light/KCP&L Greater Missouri Operations Company, and the Missouri School Boards Association (collectively, “Parties”), have agreed to this Proposed Procedural Schedule. Therefore, in response to the Commission’s April 20, 2017, *Notice of Hearing and Order Setting Conference Date, Directing Notice of Actions, Establishing Intervention Date, and Directing Filings*, Staff respectfully submits the following recommendation by the Parties for their procedural schedule:

### **Proposed Procedural Schedule**

1. The Parties agree to provide all workpapers (in electronic format, whenever feasible) within two (2) business days following the date when the related testimony is filed.

2. 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 or outputs, if available in that original format with formulas intact, the party providing the workpaper or response shall provide this type of information in that original format subject to the Commission's rules on discovery procedure.

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 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.

4. The Parties make the following agreements regarding response time for data requests:

- a) Until direct testimony is filed on September 8, 2017, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

- b) After September 8, 2017, until rebuttal testimony is filed on October 17, 2017, the response time for data requests shall be ten (10) business days to provide the requested information, and five (5) business days to object or notify the requesting party that more than ten (10) business days will be needed to provide the requested information.
  - c) After rebuttal testimony is filed on October 17, 2017, the response time for data requests shall be seven (7) business days to provide the requested information and four (4) business days to object or notify the requesting party that more than seven (7) business days will be needed to provide the requested information.
  - d) After surrebuttal testimony is filed on November 21, until November 27, 2017, the final day parties may request discovery, the response time for data requests shall be five (5) business days to provide the requested information, and three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information. Parties will strive to limit data requests submitted during this time period to information pertaining to matters raised for the first time in another party's surrebuttal testimony.
5. The parties agree to the following provisions regarding discovery:
- a) Discovery conferences will be held at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 10:00 a.m.

- b) Not less than two (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 does not need to 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) Commission Rule 4 CSR 240-2.090's requirement that a party must 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 in advance. Each party shall make a good faith effort to notify all parties in advance of the technical conference and of the anticipated topics/issues to be discussed.

- g) All data requests, subpoenas, or other discovery requests shall be issued no later than November 27, 2017, except that discovery requests regarding true-up issues shall be issued not later than December 21, 2017. With respect to deposing a witness, depositions must be completed at least three (3) business days prior to the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- h) All motions to compel a response to any discovery request submitted November 24, 2017, or before shall be filed no later than December 1, 2017.
- i) The Parties shall make an effort to not include in data request questions either highly confidential or proprietary information, and the Parties shall make an effort not to over-designate information as either highly confidential or proprietary. 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 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.
- j) Any data requests between Staff and Laclede/MGE shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued between Staff

and Laclede/MGE, 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 between Staff and Laclede/MGE, 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 in writing 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 Parties recommend that the Commission adopt the historical test year period for the year ending December 31, 2016, to be updated for known and measurable changes through June 30, 2017. The Parties further agree to true-up known and measurable revenue, rate base and expense items through September 30, 2017, in a manner that results in a reasonable matching among

such items. Laclede/MGE will make auditable accounting information related to all items to be trued-up available to all parties on or before October 27, 2017. True-up issues will be heard on January 3, 2018. For true-up issues, no party shall revise or change that party's methods or methodologies from its direct case, except in the event of an extraordinary or unusual occurrence and upon reasonable notice provided to all parties.

7. Issues anticipated for true-up include: changes to plant-in-service, depreciation reserve, all other rate base items (with the exception of revenue and expense lags for cash working capital), revenues (all categories), customer growth, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rate, number of employees), other employee benefits, payroll taxes, insurance expense, rate case expense, depreciation expense, various amortizations, income taxes, property taxes, capital structure, capital costs and other significant items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. No party is precluded from proposing an additional item for true-up that may cause a significant increase or decrease in Laclede and/or MGE's cost of service, i.e., in revenues, expenses or investment, or from proposing that any item(s) not be trued-up.

8. The Parties further recommend the Commission adopt the following procedural schedule for both cases:

<b><u>Item</u></b>	<b><u>Date</u></b>
Procedure Schedule Filed	May 9, 2017
Staff Files Recommended LPH Dates	May 19, 2017

Discovery Conference	July 12, 2017
Discovery Conference	August 9, 2017
Non-Laclede/MGE parties to file Direct Testimony on revenue requirement	September 8, 2017
Discovery Conference	September 13, 2017
Non-Laclede/MGE parties to file Direct Testimony on rate design	September 22, 2017
End of true-up period	September 30, 2017
Local Public Hearings held	September 25-29, 2017 October 2-6, 2017
Technical/Settlement Conference	October 10-11, 2017
Rebuttal Testimony (all parties- revenue requirement)	October 17, 2017
Discovery Conference	October 18, 2017
Rebuttal Testimony (all parties- rate design)	October 20, 2017
True-up Direct Testimony filed by Laclede/MGE and information to be provided by Laclede/MGE to all parties*	October 27, 2017
Preliminary Issue List (not to be filed - to be provided to all parties)	November 1, 2017
Technical/Settlement Conference	November 2-3, 2017
Surrebuttal Testimony (all parties)	November 21, 2017
Last Day to Request Rate Case Discovery	November 27, 2017
True-Up Direct (Non-Company parties)	November 28, 2017



List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening <sup>1</sup>	November 28, 2017
Parties to provide valuation of their positions to Staff for Final Reconciliation	November 29, 2017
Statements of Position	November 29, 2017
Final Reconciliation (to be filed)	November 30, 2017
Evidentiary Hearing	December 4-15, 2017
All Parties True-Up Rebuttal	December 20, 2017
Last Day to Request True Up Discovery	December 21, 2017
True-Up Hearing	January 3, 2018
Initial Post-Hearing briefs	January 11, 2018
Reply/True-Up Briefs	January 23, 2018
Operation of Law Date	March 8, 2018

**WHEREFORE**, Staff respectfully submits, on behalf of certain parties, this proposed order in compliance with the Commission's April 20, 2017 order.

Respectfully submitted,

**/s/ Whitney Payne**  
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<sup>1</sup> The Parties agree to create a list of issues that to the best of their ability distinguishes between the Laclede-specific issues and the MGE-specific issues to be addressed at the evidentiary hearing and a clear order in which those issues will be addressed to ensure maintaining that distinction.

**/s/ Mark Johnson**

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Attorneys for the Staff of the  
Missouri Public Service Commission

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 16<sup>th</sup> day of May, 2017.

**/s/ Whitney Payne and Mark Johnson**