

At a session of the Public Service Commission held at its office in Jefferson City on the 16<sup>th</sup> day of March, 2011.

**File No. GR-2009-0417**

Effective Date: March 16, 2011

Staff says the affiliate transaction issue that divides the parties in this case is also at issue in the case that addresses Atmos' ACA balance for the previous year. That is File Number GR-2008-0364 and an evidentiary hearing in that case is set to begin on March 23, 2011. Staff believes the resolution of that earlier ACA case will likely provide guidance on the affiliate transaction issue in this case and recommends the Commission wait until after the Commission issues a final order in that case before establishing a procedural schedule for this case. Atmos indicates a desire to resolve this case promptly and proposes a

procedural schedule that would begin with the filing of direct testimony on June 2, 2011, and conclude with an evidentiary hearing on September 14 and 15, 2011. Public Counsel is the only other party and it did not submit a proposed procedural schedule.

Staff is correct that the resolution of the affiliate transaction issue in the earlier case may resolve that issue in this case as well. However, the Commission agrees with Atmos that a procedural schedule should be established for this case so that the matter can keep moving toward resolution. The earlier case will be heard in the next two weeks, so the parties should have the benefit of a Commission decision in that case before filing testimony under the procedural schedule proposed by Atmos for this case. The Commission will adopt the procedural schedule proposed by Atmos.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Direct Testimony by all parties</b>	<b>- June 2, 2011</b>
<b>Rebuttal testimony by all parties</b>	<b>- July 7, 2011</b>
<b>Joint List of Issues,</b>	<b>- July 19, 2011</b>
<b>Statements of Position</b>	<b>- July 26, 2011</b>
<b>Surrebuttal Testimony by all parties</b>	<b>- August 11, 2011</b>
<b>Order of Witnesses, Order of Cross-Examination, Order of Opening</b>	<b>- September 7, 2011</b>
<b>Evidentiary Hearing</b>	<b>- September 14 to September 15, 2011, beginning at 8:30 a.m.</b>

2. The parties shall comply with the following procedural requirements:

(A) Testimony shall 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.

(B) 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, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

(C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.

(D) 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 must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(E) If an exhibit offered into evidence 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 Presiding Judge, and all counsel.

(F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). Parties are not

required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(G) The parties shall make an effort to not include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

3. The hearing shall 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.

4. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Clayton, Davis, Jarrett,  
and Kenney, CC., concur.

Woodruff, Chief Regulatory Law Judge