

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held in Kansas City on the 26th day of February, 2014.

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

ORDER SETTING PROCEDURAL SCHEDULE AND TERMS OF DISCOVERY

Issue Date: February 26, 2014

Effective Date: February 26, 2014

The Missouri Public Service Commission is setting forth the procedural schedule and the terms governing discovery. The Commission's Staff filed a proposed order on behalf of all parties¹ ("motion"). The motion's proposed discovery conference dates conflict with the Commission's agenda meetings, its proposed hearing dates conflict with a hearing already scheduled in another action, and its effective date for the report and order is less than 30 days from the date of issuance. Adjusting for those considerations, the Commission otherwise incorporates the motion's language verbatim, and orders the following.

THE COMMISSION ORDERS THAT:

1. The procedural schedule shall be as follows.

<i>Item</i>	<i>Date</i> ²
Discovery Conference	March 20
Discovery Conference	April 24
Non-Summit parties to file Direct Testimony on revenue requirement	May 16
Discovery Conference	May 29

¹ EFIS No. 23, *Joint Proposed Procedural Schedule and Discovery Order* filed on February 18, 2014.

² All dates are in 2014.

Non-Summit parties to file Direct Testimony on rate design	May 30
Preliminary Reconciliation circulated to the parties	June 4
Settlement Conference	June 9-11
All parties to file Rebuttal Testimony	June 27
Discovery Conference	July 3
True-up data available	July 7
Preliminary list of issues circulated among the parties	July 10
All parties to file Surrebuttal or Cross-Surrebuttal Testimony	July 18
Close of Discovery for Direct case	July 28
List of Issues; Order of Witnesses, Cross-Examination, and Opening	July 28
Reconciliation	July 30
Statements of Position	July 29
Discovery Conference	July 31
Evidentiary Hearing/Settlement Conference starts (if necessary)	August 4
Evidentiary Hearing ends	August 15
True-up Direct Testimony	August 27
True-up Rebuttal	September 3
True-up Hearing	September 15
All parties file Initial Post-Hearing briefs	September 29
All parties file Reply briefs and True-up Briefs	September 26
Report and Order Issue Date	October 29
Operation of Law Date:	December 1

2. The parties agree to provide all work papers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.

3. 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.

4. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, 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.

5. The parties make the following agreements regarding response time for data requests:

(A) Until revenue requirement direct testimony is filed, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or to notify the requesting party that more than twenty calendar days will be needed to provide the requested information.

(B) After revenue requirement direct testimony is filed, until rebuttal testimony is filed, the response time for data requests shall be ten business days to provide the requested information, and five business days to object or to notify the requesting party that more than ten business days will be needed to provide the requested information.

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

6. The parties agree to 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. Each discovery conference will begin at 10:00 a.m.

(B) Not less than two 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 by the Parties.

(G) All direct case data requests, subpoenas, or other discovery requests shall be issued no later than close of discovery for the direct case. With respect to deposing a witness, so long as a notice of deposition is issued by close of discovery for the direct case, the deposition may occur, notwithstanding that the deposition will take place after close of discovery for the direct case, or that there could be other conditions that 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 five business days before the start of the hearing on the direct case.

(I) All true-up data requests, subpoenas, or other discovery requests shall be issued no later than the date for filing true-up rebuttal. With respect to deposing a witness, so long as a notice of deposition is issued by filing true-up rebuttal, the deposition may occur, notwithstanding that the deposition will take place after filing true-up rebuttal, or that there could be other conditions that must be satisfied prior to the deposition. All motions to compel a response to any discovery request related to the true-up case shall be filed no later than five business days before the true-up hearing starts.

(J) 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.

(K) Any data requests between Staff and Summit 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 Summit, 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 Summit, 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.

7. This order is effective immediately upon issuance.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Jordan, Senior Regulatory Law Judge