

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 June 9, 2014, 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) Beginning June 9, 2014, through July 30, 2014, the response time for data requests shall be fifteen (15) calendar days to provide the requested information, and eight (8) calendar days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information.

(C) Beginning on July 31, 2014, 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.

5. 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 Office Building, 200 Madison Street, Jefferson City, Missouri. 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 by the Parties.

(G) All data requests, subpoenas, or other discovery requests shall be issued no later than August 26, 2014. With respect to deposing a witness, so long as a notice of deposition is issued by August 26, 2014, the deposition may occur, notwithstanding that the deposition will take place after August 26, 2014, 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 shall be filed no later than September 2, 2014. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the hearings on September 8, 2014.

(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 Liberty Utilities 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 Liberty Utilities, 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 Liberty Utilities, 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.

Proposed Procedural Schedule

6. The Parties further recommend the Commission adopt the following procedural schedule:

<u>Item</u>	<u>Date</u>
Proposed Procedural Schedule Recommendation Filed per order	March 20, 2014
Liberty Utilities to file CAM revision	March 31, 2014
OPC Files Recommended LPH Dates per order	April 3, 2014
Discovery Conference	April 3, 2014
Last Date for Liberty Utilities to Provide Data Related to Update Period	April 18, 2014
Truman Day Holiday	May 8, 2014
Discovery Conference	May 15, 2014
Memorial Day Holiday	May 26, 2014
Last Date for Liberty Utilities to Provide Data Related to Labor Contract/ Building Amounts	June 2, 2014

Discovery Conference	June 5, 2014
Non-Utility parties to file Revenue Requirement Direct	June 6, 2014
Data Request Response Time Changes to (15) calendar days to respond/(8) calendar days to object	June 9, 2014
Non-Utility parties to file Rate Design Direct	June 26, 2014
Discovery Conference	June 26, 2014
Preliminary Reconciliation circulated to the parties	June 27, 2014
Local Public Hearings (tentatively during this period)	June 30-July 3 & July 7-11, 2014
Supplemental Rate Design Direct (Public Counsel only)	July 3, 2014
Independence Day Holiday	July 4, 2014
Settlement Conference	July 14 – 18, 2014
Preliminary list of issues circulated among the parties	July 23, 2014
All parties to file Rebuttal Testimony	July 30, 2014
Data Request Response Time Changes to (5) business days /(3) business days to object	July 31, 2014
Discovery Conference	July 31, 2014
Settlement Conference	August 6 -7, 2014
All parties to file Surrebuttal or Cross-Surrebuttal Testimony	August 15, 2014
Close of Discovery	August 26, 2014

List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	August 26, 2014
Reconciliation	August 28, 2014
Labor Day Holiday	September 1, 2014
Last Date for Motions to Compel	September 2, 2014
Statements of Position	September 3, 2014
Evidentiary Hearings	Sept. 8-12 and 16 -19, 2014
Columbus Day Holiday	October 13, 2014
Initial Post-Hearing briefs	October 17, 2014
Reply briefs	November 7, 2014
Veterans' Day Holiday	November 11, 2014
Thanksgiving Day Holiday	November 27, 2014
Report and Order Issue Date	December 3, 2014
Operation of Law Date:	January 4, 2015

WHEREFORE, Staff and all the parties pray that the Commission will adopt the foregoing *Joint Proposed Procedural Schedule and Discovery Order*.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel for all parties of record this 19th day of March, 2014.

/s/ Jeffrey A. Keevil