

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY**

**July 5, 2001**

**CASE NO: GM-2001-585**

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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

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

In the Matter of the Joint Application of  
Gateway Pipeline Company, Inc., Missouri  
Gas Company and Missouri Pipeline Company  
and the Acquisition by Gateway Pipeline  
Company of the Outstanding Shares of  
UtiliCorp Pipeline Systems, Inc.

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**Case No. GM-2001-585**

**ORDER ADOPTING PROCEDURAL SCHEDULE**

**Status of Case:**

On June 11, 2001, the Commission issued its Order Granting Intervention Requests, Setting Prehearing Conference and Requiring Filing of Procedural Schedule. Pursuant to that order the Commission held a prehearing conference on June 28, 2001, and the parties filed their Joint Recommendation for Procedural Schedule on July 2, 2001.

As of the time of the prehearing conference, the parties have not defined specific issues. The Commission's Staff is reviewing various aspects of the proposed transaction with an emphasis on the safety of gas transmission operations. The Office of the Public Counsel is considering whether the proposed transaction would have any detrimental impact on customers of the local distribution companies that are served by the gas transmission pipelines affected by the proposed transaction. The intervening companies have not identified specific issues but are reviewing the transaction to determine its effect on their contracts and on the reliability of their interconnection for gas transmission or gas delivery services.

No parties, at the time of the prehearing conference, requested local public hearings. The Staff and the Office of the Public Counsel are not aware of any contacts, letters or questions presented by local government officials or citizens concerning the transaction.

The parties are cooperating to bring this case to resolution prior to September 30, 2001, which is the proposed closing date for the transaction. The proposed procedural schedule reflects expedited procedures in this regard. In addition, if no contested issues are identified, the applicants and Staff are hopeful of presenting a stipulation of all the parties for the Commission's consideration.

**Procedural Schedule:**

The Commission has reviewed the proposed schedule and finds the dates appropriate for this case. Therefore, the Commission adopts the proposed schedule as modified and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. The Commission will view any issue not contained in this list as uncontested and not requiring resolution.

(C) Each party shall file a statement of its position on each contested issue, with a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues statement, and shall not contain argument. The position statement shall be filed in paper form and electronically submitted, either on computer disk or by e-mail. Electronically submitted documents shall be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: kthornbu@mail.state.mo.us.

(D) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs submitted by the parties shall follow the issues statement filed in the case. The briefs must set forth and cite the proper portions of the record concerning the unresolved issues that are to be decided by the Commission. In this proceeding simultaneous briefs are being ordered.

(E) Each party may submit, with the initial brief, proposed findings of fact, conclusions of law, and ordered paragraphs, in both paper form and electronically, either on computer disk or by e-mail. Electronically submitted documents shall be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: kthornbu@mail.state.mo.us.

(F) All parties are required to bring an adequate number of copies of exhibits they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is adopted for this case:

Direct Testimony of Joint Applicants and UtiliCorp United Inc.	July 10, 2001
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Rebuttal Testimony of Staff, Public Counsel and Intervenors	July 30, 2001
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Prehearing Conference	August 1, 2001 10:00 AM Hearing Room 310
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Joint Issues Statement	August 3, 2001
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Rebuttal Testimony of Joint Applicants and UtiliCorp United Inc., <u>and</u> Cross Surrebuttal Testimony of Staff, Public Counsel and Intervenors	August 14, 2001
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Position Statements (Each Party) and Staff Filing of Agreed List and Order of Witnesses	August 15, 2001
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Evidentiary Hearing	August 20-21, 2001 8:30 AM Hearing Room 305
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Initial Briefs (Proposed Findings, Conclusions and Ordered Paragraphs May be Filed)	September 4, 2001
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Reply Briefs	September 11, 2001
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The prehearing and evidentiary hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this prehearing, please call the

Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

2. That this order shall become effective on July 5, 2001.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Keith Thornburg, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 5th day of July, 2001.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 5<sup>th</sup> day of July 2001.

*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

