

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 9th day of March, 2022.

Ozarks Medical Center d/b/a Ozarks Healthcare,
Complainant,
v.
Summit Natural Gas of Missouri, Inc.,
Respondent

File No. GC-2022-0158

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: March 9, 2022

Effective Date: March 9, 2022

On December 10, 2021, Ozarks Medical Center d/b/a Ozarks Healthcare (OMC) filed a complaint against Summit Natural Gas of Missouri, Inc. (SNGMO). On January 12, 2022, SNGMO filed its answer. Separately, the Commission directed the parties to confer and file a proposed procedural schedule, and subsequently directed the filing of a revised proposed schedule. All of the parties to the case – OMC, SNGMO, the Staff of the Commission (Staff), and the Office of the Public Counsel (OPC) (collectively, “the Parties”) – filed a joint revised procedural schedule on February 17, 2022.

The Parties state in their Joint Proposed Revised Procedural Schedule and Discovery Procedures that there are factual disputes among them, but no existing dispute of fact would prevent the Commission from judging OMC’s Complaint based on briefing and a supporting factual record. However, the Parties have offered a hearing date “should the Commission wish to hear from the Parties before briefing.” Within the Parties

proposed schedule, they also offer dates for the submission of Supporting, Responsive, and Sur-Responsive Affidavits.

As the Parties have unanimously agreed to the proposed schedule and discovery procedures, but indicated there are facts in dispute among them, the Commission will adopt the proposal with only the changes necessary to establish an evidentiary hearing to ensure a sufficiently complete record on which the Commission may rely in finding the relevant facts in the matter. This includes altering the submission of supporting affidavits to submissions of prefiled testimony.

If the Parties determine there are in fact no genuine material facts at issue in this matter, the Parties may, at any time, submit motions for summary determination or cross motions for summary determination in compliance with Commission Rule 20 CSR 4240-2.117, which includes being filed not less than sixty days prior to the hearing except by leave of the Commission.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

March 7, 2022	Discovery Conference (canceled by previous order)
March 9, 2022	Settlement Conference
March 16, 2022	Joint Filing of Stipulation of Facts
March 16, 2022	OMC Direct Testimony
March 30, 2022	SNGMO, Staff, and OPC Rebuttal Testimony
April 8, 2022	Surrebuttal Testimony
April 14, 2022	Final Day to Serve Discovery Requests

May 13, 2022	Joint Filing of List of Issues
May 18, 2022	Statements of Position
May 24, 2022	Evidentiary Hearing
June 17, 2022	Initial Briefs
June 27, 2022	Reply Briefs

2. The Parties shall comply with the following discovery procedures, as set forth by the Parties:

- A. As previously ordered, after February 24, 2022, the response time for data requests shall be five (5) business days to provide the requested information, and the responder will have three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information.
- B. All Parties shall provide copies of affidavits, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic format, concurrently with the filing of such affidavits, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to convert information that does not exist in electronic format to electronic format for purposes of exchanging it.
- C. 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.
- D. Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- E. The Parties shall make an effort to not include confidential information in data request questions, and the Parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such pursuant to 20 CSR 4240-2.135. Responsibility to make this

designation rests upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

F. Any data requests issued by or to Staff shall be submitted and responded to through the Commission's Electronic Filing and Information System ("EFIS"). All data requests other than those issued by or to Staff, 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 regarding confidentiality. If any party responds to a data request through EFIS, the response is available through EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, 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. A party desiring the response to a data request that has been served on another shall submit a separate data request for a copy of the response, thereby providing the responding party the opportunity to object.

3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Hatcher, Regulatory Law Judge

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 9th day of March, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 9, 2022

File/Case No. GC-2022-0158

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.