

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In re Missouri Gas Energy's Revised
Transportation Tariff

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File No. GT-2010-0261
Tariff No. JG-2010-0565

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: May 5, 2010

Effective Date: May 5, 2010

On March 23, 2010,¹ the Commission issued a Notice of New Proceeding. The Commission did so in response to a March 15 revised transportation tariff filing by Missouri Gas Energy, a division of Southern Union Company (hereafter "MGE"), and a Motion to Create New Docket and Set Prehearing Conference filed by Constellation NewEnergy-Gas Division, LLC (hereafter "Constellation").

The Commission ordered the parties to file a proposed procedural schedule no later than April 30. Staff filed such a schedule on May 3, along with a Joint Motion to Late File Proposed Procedural Schedule, which the Commission grants.

The Commission has reviewed the proposed procedural schedule. The operation of law date is September 1. If the parties submit briefs on August 6, as the parties suggest, the Commission would have only 25 days to: debate upon the issues, issue a Report and Order, allow the parties time to ask for rehearing, rule upon those rehearing motions, consider compliance tariffs, rule upon those tariffs, allow the parties time to ask for rehearing on the compliance tariffs, and rule upon those motions for rehearing as well. Thus, the Commission will order a different schedule. Further, the Commission finds that the following agreed-upon conditions should be applied to the schedule:

¹ All calendar references are to 2010 unless otherwise noted.

(A) All parties will provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(B) An effort should be made to not include in data request questions either highly confidential or proprietary information. 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.

(C) Counsel for each party is to receive electronically from each other party, a copy of all data requests served by that party on another party in the case contemporaneously with service of the request. 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 a copy of the response from the party answering the data request – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary – thus, if a party wants a copy of a data request response by MGE to a Staff data request, the party should ask MGE, not the Staff, for a copy of the data request response unless there are appropriate reasons to direct the discovery to the party originally requesting the material. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality. Data request

responses will be served on counsel for the requesting party and on 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 rule.

(D) Until the May 21, 2010 filing of supplemental direct testimony, the response time for all data requests is 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After May 21, 2010 until the filing of supplemental rebuttal testimony, the response time for data requests becomes 10 business days to provide the requested information, and 5 business days to object or notify that more than 10 business days will be needed to provide the requested information.

(E) Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel will undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

(F) Where workpapers 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, if available in that original format, the party

providing the workpaper or response shall provide this type of information in that original format.

(G) For purposes of this case, the Commission waives 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and will treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.

(H) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

THE COMMISSION ORDERS THAT:

1. The parties are directed to comply with the conditions set out in this order.
2. The Joint Motion to Late File Proposed Procedural Schedule is granted.
3. The Commission waives Commission Rule 4 CSR 240-2.045(2) and 2.080(11).
4. The Direct and Surrebuttal Testimony of Richard Haubensak, for Constellation NewEnergy-Gas Division, LLC, and the Rebuttal Testimony of David Kirkland, for Missouri Gas Energy, filed in File No. GR-2009-0355, are incorporated by reference into this file.

5. The following procedural schedule is adopted:

Simultaneous Supplemental Direct Testimony	May 21, 2010
Simultaneous Supplemental Rebuttal Testimony	June 8, 2010

Joint List of Issues, Order of Witnesses, Order of Cross-Examination	June 17, 2010
Statements of Position/Prehearing Briefs	June 22, 2010
Evidentiary Hearing	June 29-30, 2010 8:30 a.m.
Post-Hearing Briefs	July 21, 2010

The hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a facility that meets the accessibility standards of the Americans with Disabilities Act (ADA). If any person needs additional accommodations to participate in these proceedings, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing or prehearing conference.

6. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of May, 2010.