

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

In the Matter of Spire Missouri Inc.’s d/b/a) **Case No. GR-2021-0108**
Spire Request for Authority to Implement a General)
Rate Increase for Natural Gas Service Provided)
In the Company’s Missouri Service Areas)

PROPOSED PROCEDURAL ORDER AND SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and states that on December 11, 2020, Spire Missouri Inc. (“Spire” or “Company”) filed its requests to increase its revenues for gas service for its Spire East and Spire West service territories. All of the parties to the case: Staff, the Office of the Public Counsel, Spire Missouri Inc., Midwest Energy Consumers Group, Missouri Industrial Energy Consumers, National Housing Trust, Legal Services of Eastern Missouri, Inc., and Renew Missouri (collectively, “Parties”), have agreed to this *Proposed Procedural Order and Schedule*. Therefore, in response to the Commission’s December 23, 2020, *Order Giving Notice, Setting a Deadline to Respond to the Test Year, and Directing a Proposed Procedural Schedule*, Staff respectfully submits on behalf of the Parties the following two (2) proposed procedural schedule options for the Commission’s consideration. The Parties recommend the Commission approve the proposed procedural schedule option that includes a two week delay in the evidentiary hearing dates as set forth below:

Proposed Procedural Order

1. The Parties agree to provide all workpapers (in electronic format, whenever feasible) within two (2) business days following the date when the related testimony is filed.

2. 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 or outputs, if available in that original format with formulas intact, the party providing the workpaper or response shall provide this type of information in that original format subject to the Commission's rules on discovery procedure.

3. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel of record 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 shall not be 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 non-company direct testimony is filed, 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) After non-company direct testimony is filed and until rebuttal testimony is filed, the response time for data requests shall be ten (10) business days to provide the requested information, and five (5) business days to object or notify the requesting party that more than ten (10) business days will be needed to provide the requested information.
 - c) After rebuttal testimony is filed, the response time for data requests shall be seven (7) business days to provide the requested information and four (4) business days to object or notify the requesting party that more than seven (7) business days will be needed to provide the requested information.
 - d) The parties have seven calendar days after surrebuttal testimony is filed to request discovery. 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. Parties will strive to limit data requests submitted during this seven day time period to information pertaining to matters raised for the first time in another party's surrebuttal testimony.
5. The parties agree to the following provisions regarding discovery:
- a) Discovery conferences will be held by WEBEX (or similar virtual meeting platform) or at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. 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 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.
- 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. Each party shall make a good faith effort to notify all parties in advance of the technical conference and of the anticipated topics/issues to be discussed.

- g) All data requests, subpoenas, or other discovery requests shall be issued no later than July 21, 2021 (under the expanded proposed schedule) or July 7, 2021 (under the schedule with current ordered hearing dates), except that discovery requests regarding true-up issues shall be issued not later than August 5, 2021 (under current ordered hearing dates) or August 17, 2021 (under the proposed expanded hearing dates). With respect to deposing a witness, depositions must be completed at least three (3) business days prior to the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- h) All motions to compel a response to any discovery request submitted by July 21, 2021 (in the expanded schedule) or July 7, 2021 (under current ordered hearing dates), or before shall be filed no later than July 28, 2021 or July 14, 2021 respectively. Regarding true-up discovery submitted by the true-up discovery cut-off date, motions to compel shall be filed no later than August 13, 2021 in the current ordered hearing date schedule or August 24, 2021 in the preferred expanded schedule.
- i) 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 a data request question, the confidential information should be appropriately designated as such. 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 Spire shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) unless otherwise agreed upon consistent with Commission rules. All data requests other than those issued between Staff and Spire, 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 parties to the request. 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 Spire, will be served on counsel for the requesting party 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.

6. Issues anticipated for true-up include: changes to plant-in-service, depreciation reserve, all other rate base items (with the exception of revenue and expense lags for cash working capital), revenues (all categories), customer growth, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rate, number of employees), other employee benefits, payroll taxes, insurance expense, rate case expense, depreciation expense, but not depreciation rates, various amortizations, income taxes, property taxes, capital structure, capital costs (other than return on equity) and other significant items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. Parties filing a true-up case must file accompanying testimony identifying the items, amounts, and justification for any proposed increase to the revenue requirement in their true-up case. No party is precluded from proposing an additional item for true-up that may cause a significant increase or decrease in Spire's cost of service, i.e., in revenues, expenses or investment, or from proposing that any item(s) not be trued-up for any reason.

7. The Parties recommend the Commission adopt the following procedural schedule with a built-in two week delay of the evidentiary hearing dates that were set in the Commission's December 30, 2020 *Order Suspending Tariff, Giving Notice of Contested Case Status, Delegating Authority, and Scheduling An Evidentiary Hearing*. The Parties urge the Commission to approve the proposed two week hearing delay procedural schedule because it will optimize opportunities for settlement of issues affecting the Spire Missouri and provide administrative efficiencies in hearing the remaining issues of the case. The preferred evidentiary hearing dates may also alleviate concerns with Commission scheduling conflicts as discussed in the December 30th Order. Finally, while

the preferred schedule delays the evidentiary hearing by two weeks, it only involves a one (1) week delay in the filing of reply briefs. Therefore, the preferred procedural schedule would result in only a one week delay in Commission deliberations. The Parties have also included a proposed procedural schedule built around the previously ordered hearing dates of July 12 through July 16 and July 22 through July 30 set in the Commission's December 30th Order.

Proposed Procedural Schedules:	Current		2 Week	
Item:	Ordered Hearing Dates		Proposed Hearing Delay Dates	
Discovery Conferences	3/1/2021	Mon	3/1/2021	Mon
	4/5/2021	Mon	4/5/2021	Mon
	5/10/2021	Mon	5/17/2021	Mon
	6/14/2021	Mon	6/21/2021	Mon
Discovery Cutoff	7/7/2021	Wed	7/21/2021	Wed
True-up Discovery Cutoff	8/6/2021	Fri	8/17/2021	Tue
Spire Provides True-up Information	7/2/2021	Fri	7/2/2021	Fri
Local (or Virtual) Public Hearings	6/21-25	Mon/Fri	6/21-25	Mon/Fri
All other parties Direct (Revenue Requirement)	5/3/2021	Mon	5/12/2021	Wed
All other parties Direct (CCOS)	5/17/2021	Mon	5/26/2021	Wed
Technical/Settlement Conference	5/26-5/27	W/Th	6/8-6/9	Tu/W
Rebuttal Testimony (Revenue Requirement)	6/2/2021	Wed	6/17/2021	Thu
Rebuttal Testimony (CCOS)	6/2/2021	Wed	6/17/2021	Thu
Technical/Settlement Conference	6/21-6/22	M/Tu	7/6-7/2021	Tu/W
Surrebuttal Testimony (Revenue Requirement, CCOS)	6/30/2021	Wed	7/14/2021	Wed
List of Issues, Position Statements, Order of Hearing, Joint Stipulation of Facts	7/2/2021	Fri	7/16/2021	Fri
Reconciliation Filed	7/8/2021	Thu	7/22/2021	Thu
Evidentiary Hearings Begin	7/12/2021	Mon	7/26/2021	Mon
True Up Direct	7/27/2021	Tue	8/6/2021	Fri
True Up Rebuttal	8/5/2021	Thu	8/16/2021	Mon
True Up Hearings Begin	8/12/2021	Thu	8/23/2021	Mon
Initial Post Hearing Briefs	8/27/2021	Fri	9/7/2021	Tue
Reply Briefs	9/10/2021	Fri	9/17/2021	Fri
Operation of Law Date	11/10/2021	Wed	11/10/2021	Wed

WHEREFORE, Staff respectfully submits, on behalf of the Parties, this proposed procedural order and schedule for the Commission's consideration and requests the Commission approve the schedule option that delays the hearing dates by two weeks.

Respectfully submitted,

/s/ Robert S. Berlin

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Attorney for the Staff of the
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26th day of January, 2021.

/s/ Robert S. Berlin