

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 30th day of November, 2017.

In the Matter of Liberty Utilities (Midstates)
Natural Gas) Corp. d/b/a Liberty Utilities')
Tariff Revisions Designed to Implement a)
General Rate Increase for Natural Gas)
Service in the Missouri Service Areas of the)
Company)

File No. GR-2018-0013
Tariff No. YG-2018-0036

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: November 30, 2017

Effective Date: November 30, 2017

On November 16, 2017, the Commission's Staff, acting on behalf of all the parties, filed a proposed procedural schedule that has been agreed upon by all parties. The parties have also agreed upon certain procedural provisions that the Commission will incorporate into this order. The Commission will adopt the proposed procedural schedule.

The Commission will address the scheduling of local public hearings in a separate order.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Discovery Conference	-	January 9, 2018
Discovery Conference	-	February 6, 2018
Non-Liberty Parties File Direct Testimony on Revenue Requirement.	-	March 2, 2018
Non-Liberty Parties File Direct Testimony on Rate Design.	-	March 16, 2018

- Response Time for Data Requests Changes to 10 Business Days to Respond and 5 Business Days to Object or Assert That Additional Time to Respond Is Needed** - **March 16, 2018**
- Discovery Conference** - **March 20, 2018**
- Local Public Hearings (locations and dates to be established by separate order)** - **March 2018**
- Technical/Settlement Conference (This is an informal conference among the parties and will not be on the record) -** **April 3, 2018**
- Discovery Conference** - **April 10, 2018**
- All parties File Rebuttal Testimony. Response Time for Data Requests Changes to 7 Business Days to Respond and 4 Business Days to Object or Assert That Additional Time to Respond Is Needed** - **April 13, 2018**
- True-Up Direct Testimony Filed by Liberty** - **April 20, 2018**
- All parties File Surrebuttal Testimony** - **May 9, 2018**
- Non-Liberty Parties File True-Up Direct Testimony (May be combined With Surrebuttal Testimony)** - **May 9, 2018**
- Last day to request discovery (except Data requests related to true-up Rebuttal which may be issued until May 18, 2018)** - **May 14, 2018**
- Settlement Conference (This is an informal conference among the parties and will not be on the record)** - **May 15, 2018**
- List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening** - **May 16, 2018**
- All Parties File True-Up Rebuttal Testimony** - **May 17, 2018**

Statements of Position	-	May 17, 2018, at 5:00 p.m.
Parties to Provide Valuation of Their Positions to Staff for Final Reconciliation	-	May 17, 2018
Last Day to Issue Data Requests Related to True-Up Rebuttal Testimony	-	May 18, 2018
Final Reconciliation to be Filed	-	May 18, 2018
Hearing	-	May 21-25, 2018 May 30-June 1, 2018 beginning each day at 8:30 a.m.
Initial Post-Hearing Briefs	-	June 19, 2018
Reply/True-Up Briefs	-	June 29, 2018
Operation of Law Date	-	August 26, 2018

2. The parties shall comply with the following procedural requirements:
 - (A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
 - (B) Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

- (C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- (E) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each Commissioner, the Presiding Officer, and counsel for each other party.
- (F) Each party shall provide all workpapers (in electronic format whenever feasible) to all other parties within two business days following the filing of related testimony. Such workpapers shall not be filed in the case file.
- (G) 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 with formulas intact, subject to the Commission's rules on discovery procedure.
- (H) 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 are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

3. The parties shall comply with the following provisions regarding discovery:
 - (A) Until non-Liberty rate design direct testimony is filed on March 16, 2018, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party that more than twenty calendar days will be needed to provide the requested information.
 - (B) After March 16, 2018, until rebuttal testimony is filed on April 13, 2018, the response time for data requests shall be ten business days to provide the requested information and five business days to object or notify the requesting party that more than ten business days will be needed to provide the requested information.
 - (C) After April 13, 2018, until surrebuttal testimony is filed on May 9, 2018, the response time for data requests shall be seven business days to provide the requested information and four business days to object or notify the requesting party that more than seven business days will be needed to provide the requested information.
 - (D) After May 9, 2018, until the final day parties may request discovery on May 14, 2018, the response time for data requests shall be five business days to provide the requested information and three business days to object or notify the requesting party that more than five business days will be needed to provide the requested information. Parties shall strive to limit data requests submitted during

this time period to information pertaining to matters raised for the first time in another party's surrebuttal testimony.

- (E) Parties are permitted to make data requests that are limited in scope to matters raised in true-up rebuttal after May 14, 2018, but before May 18, 2018. For true-up rebuttal data requests, the same timelines shall apply with five business days to provide the requested information and three business days to object or notify the requesting party that more than five business days will be needed to provide the requested information.
- (F) 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.
- (G) Not less than two 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 or concern must attend. If the parties do not identify any discovery disagreements or concerns before the scheduled conference, the presiding officer may cancel the conference.
- (H) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (I) 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.
- (J) Compliance with 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 for discovery disputes that are raised at a discovery conference. The rule is not waived for discovery disputes not raised at a discovery conference.

- (K) All data requests, subpoenas, or other discovery requests shall be issued no later than May 14, 2018, except for data requests related to true-up rebuttal, which shall be issued no later than May 18, 2018. Depositions of witnesses must be completed at least three business days before the evidentiary hearing.
 - (L) 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 shall be appropriately designated as such pursuant to Commission Rule 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.
 - (M) A party desiring the response to a data request that has been served on another party may request, in writing, a copy of the response from the party answering the data request, thereby providing the responding party the opportunity to object. The party responding to the data request shall promptly respond to the request for a copy, considering that the response has already been made to the underlying data request.
4. Liberty shall make every effort to make auditable accounting information related to items to be updated available to all parties on or before January 24, 2018. For all items to be true-up, auditable accounting information shall be made available to all parties on or before April 20, 2018. Each update and true-up item

must be known and measurable and, except for the union employees wage increase in June 2018 pursuant to the currently existing labor contract, recorded in Liberty's accounting system, and supported by documentation (including, but not limited to, invoices, inspections, general ledgers, contracts, operating reports, etc.) that demonstrates it has occurred; and, if the update or true-up item is a rate-based capital investment, the documentation must demonstrate that the investment is fully operational and used for service.

5. True-up issues shall be heard during the scheduled evidentiary hearing.
6. Anticipated true-up items include changes to plant-in-service, depreciation reserve, all other rate base items, revenues (all categories), customer growth, uncollectable expense, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rates, number of employees, overtime, etc.), other employee benefits, payroll taxes, allocations, rents and lease expense, insurance expense, rate case expense, depreciation expense, amortizations, income taxes, property taxes, capital structure, capital costs, and other significant items that must be considered to maintain a proper relationship of revenues, expenses, and rate base. Significant in the context of this paragraph will be measured by the smallest adjustment made during the true-up audit from the list of items indicated in this paragraph.
7. No party is precluded from proposing an additional item for true-up that causes a significant increase or decrease in Liberty's cost of service, i.e., in its revenues, expenses or investment, or proposing that any item(s) listed above not be trued-up.
8. For true-up issues, no party shall revise or change that party's methods or methodologies from its direct case, except in the event of an extraordinary or

unusual occurrence and upon reasonable notice provided to all parties.

9. If the list of identified issues changes as a result of true-up rebuttal testimony, the parties shall file an updated list of issues and position statements shall be updated to address the revised list of issues.
10. If the valuation of positions changes as a result of true-up rebuttal testimony, the parties shall provide an updated valuation of their positions to Staff so Staff may update the final reconciliation.
11. The transcripts of the evidentiary hearing shall be expedited.
12. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.
13. 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

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Woodruff, Chief 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 30th day of November 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 30, 2017

File/Case No. GR-2018-0013

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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.