



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 September 3, 2009 filing of direct testimony on class cost of service and rate design pertinent issues, 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 September 3, 2009 until the filing of 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. After the filing of rebuttal testimony, the response time for data requests becomes 10 calendar days to provide the requested information, and 5 calendar days to object or notify that more than 10 calendar 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 parties request the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and 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 Commission waives Commission Rule 4 CSR 240-2.045(2) and 2.080(11).

3. The following procedural schedule is adopted:

Recommendations as to Local Public Hearings	June 4, 2009
Company Case Updated for Known and Measurable Items Through April 30, 2009	June 21, 2009
Direct Testimony – non-MGE parties – revenue requirement	August 21, 2009
Direct Testimony – non-MGE parties – class cost of service and rate design rate design	September 3, 2009
Local Public Hearings	September 8-11, 2009
Case Reconciliation (not filed)	September 11, 2009
Prehearing Conference	September 14-18, 2009 10:00 a.m.
List of Issues (preliminary – not filed)	September 18, 2009
Rebuttal Testimony – all parties	September 25, 2009
Surrebuttal Testimony – all parties –	October 14, 2009
Joint List of Issues, Order of Witnesses, Order of Cross-Examination	October 19, 2009
Reconciliation	October 19, 2009
Statements of Position/Prehearing Briefs	October 19, 2009

Evidentiary Hearing	October 26-30, November 2-6, 2009 8:30 a.m.
True-up Direct – all parties – If necessary	November 24, 2009
True-up Rebuttal – all parties – If necessary	December 3, 2009
True-up Hearing	December 8-9, 2009 8:30 a.m.
Initial Briefs	December 15, 2009
Reply Briefs	December 29, 2009
True-Up Briefs	December 31, 2009

The hearing and prehearing conference 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.

4. This order shall become effective on May 27, 2009.

( S E A L )

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

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 27<sup>th</sup> day of May, 2009.