

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

In the Matter of the Application of Missouri Gas Energy,     )  
a Division of Southern Union Company, for a Certificate     )  
of Public Convenience and Necessity Authorizing it to     )  
Construct, Install, Own, Operate, Control, Manage and     ) Case No. GA-2007-0289  
Maintain a Natural Gas Distribution System to Provide     )  
Gas Service in Platte County, Missouri, as an Expansion     )  
of its Existing Certified Area     )

**PROCEDURAL SCHEDULE PROPOSAL**

COMES NOW The Empire District Gas Company (“EDG”) by and through the undersigned counsel, and pursuant to the *Order Setting Prehearing Conference and Directing Filing of a Proposed Procedural Schedule* issued by the Commission in the above-captioned case on March 14, 2007, respectfully submits the following:

1. Pursuant to the Commission’s *Order Setting Prehearing Conference and Directing Filing of a Proposed Procedural Schedule* (the “Order”) issued on March 14, 2007, the parties in this case met for a prehearing conference on March 21, 2007. The Order also requires the parties to file a proposed procedural schedule no later than March 28, 2007.

2. At the prehearing conference on March 21, 2007, counsel for EDG indicated that it is EDG’s belief that it is premature at this time to set a procedural schedule for this case only. This is because EDG plans to file its own application for a certificate of convenience and necessity<sup>1</sup> covering the same territory for which MGE is seeking a certificate in this case. Given the need to compile the material required by 4

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<sup>1</sup> In its Response to EDG’s application to intervene, MGE noted that EDG does not currently have a pending application to serve the subject sections of land, seeming to invite the filing of such an application.

CSR 240-2.060 and 4 CSR 240-3.205, and the press of other business, EDG anticipates filing its application no later than May 31, 2007. At that time, since the two cases will concern the same service territory and legal and factual issues, EDG believes that it would be the most efficient use of the Commission's and the parties' time and resources to consolidate the two cases and set a procedural schedule applicable to the consolidated cases, which would provide for the simultaneous filing of direct, rebuttal and surrebuttal testimony, among other matters. If a schedule were to be set at this time which is applicable only to Case No. GA-2007-0289, once EDG files its application the GA-2007-0289 schedule would need to be suspended and a new schedule set for the consolidated cases.

3. Given EDG's anticipated filing date for its application of May 31, 2007, EDG proposes the following schedule, which would allow for consolidation of the two cases and would be applicable to both cases. EDG believes its proposal also allows adequate time between the testimony filing dates to allow for adequate data requests regarding each round of testimony and preparation of responsive testimony. EDG's schedule proposal<sup>2</sup>, applicable to both of the cases to be consolidated, is as follows:

July 2, 2007 – Simultaneous Direct

September 5, 2007 – Simultaneous Rebuttal

September 28, 2007 – Simultaneous Surrebuttal

October 5, 2007 – List of Issues

October 16, 2007 – Position Statements

October 25-26, 2007 – Hearings

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<sup>2</sup> It should also be noted that this is the schedule proposal which was discussed at some length at the prehearing conference on March 21, 2007. As discussed below, it is EDG's understanding that only MGE actually objects to this proposed schedule.

Staff and the Office of the Public Counsel have both informed the undersigned counsel that they “can live with” EDG’s proposed schedule, and the Office of the Public Counsel has informed the undersigned they can also “live with” MGE’s proposal described below; given that the undersigned counsel received MGE’s latest proposal (as described in paragraph 4 below), after 2:30 p.m. on the day the procedural schedule proposal was to be filed, the undersigned has not heard from Staff what their position is regarding this latest proposal of MGE<sup>3</sup>. The undersigned had previously been informed by Staff that they “can live with” MGE’s prior proposed schedule, as well as EDG’s proposal.

4. It is EDG’s understanding that MGE plans to file, or has filed, a different proposed schedule, which would apply only to Case No. GA-2007-0289, and provide for Direct testimony on May 1; Rebuttal testimony on July 9; Surrebuttal testimony on August 6; Issues list on August 10; Position statements on August 17; and Hearings on August 23-24. As stated above, EDG believes it would be premature and a waste of everyone’s resources to set such a schedule, given that EDG has informed the parties’ of its intent to file an application for the same territory as that sought by MGE. Furthermore, even putting aside the matter of EDG’s application, counsel for EDG will be out of town on other matters August 9-11, so an August 10 filing date for the issues list will not work. MGE’s proposal should therefore be rejected.

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<sup>3</sup> The undersigned attempted to contact Staff counsel regarding MGE’s latest proposal, but was only able to reach voice mail.

WHEREFORE, EDG respectfully requests that the Commission either find that it would be premature at this time to set a procedural schedule herein or adopt the scheduling proposal as set forth in paragraph number 3 above.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

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### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was sent to the following by depositing same in the U.S. Mail first class postage paid, by hand-delivery, or by electronic transmission, this 28<sup>th</sup> day of March, 2007:

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**/s/ Jeffrey A. Keevil**

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