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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application                    )  
of Southern Union Company for                    )  
Authority Under §393.190, RSMo.                    )      Case No. GM-99-323

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

On February 19, 1999, the parties proposed a procedural schedule that would require the filing of a hearing memorandum on February 23 and would convene a hearing on February 25 and 26. The parties propose that, rather than prefiling written testimony as is the usual practice, that the hearing would consist of "live" direct testimony and cross-examination. In addition, the parties propose to offer closing arguments instead of briefs. The Commission will, in large part, adopt the parties' proposal. However, there is no hearing room available on February 25, so the hearing will convene at 8:00 a.m. on February 26.

The parties, and especially Southern Union Company, should be prepared to address the question of what portions of the pleadings can be declassified.

The following conditions shall be applied to the schedule:

(A) The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear and the order in which they shall be called, an appendix containing definitions of technical terms, each party's position on the disputed issues, and the order of cross-examination. The hearing memorandum will set forth the issues that

are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. Staff will be responsible for preparing and filing the hearing memorandum.

(B) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the date set. Each party is required to provide Staff with its position on each unresolved issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present their signature element (a signed page), shall provide written authorization to permit the General Counsel to sign for that particular party, or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant as to the party whose signature is missing and any party who fails or refuses to sign the final copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

(C) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the regulatory law judge at least two days prior to the date of the hearing.

(D) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and opposing counsel.

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is established for this case:

Hearing memorandum

February 23, 1999  
3:00 P.M.

Evidentiary hearing

February 26, 1999  
8:00 A.M.

The hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least two (2) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

2. That this order shall become effective on March 4, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to 4 CSR 240-2.120(1),  
(November 30, 1995) and Section 386.240,  
RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 22nd day of February, 1999.

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FEB 22 1999  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION