

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

In re Missouri Gas Energy's Revised	)	<b>File No. GT-2010-0261</b>
Transportation Tariff	)	Tariff No. JG-2010-0565

**JOINT PROCEDURAL SCHEDULE  
AND JOINT MOTION REQUESTING ADOPTION  
OF CERTAIN OTHER PROCEDURAL MATTERS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and, with the permission of the active parties to this proceeding, including Missouri Gas Energy, a division of Southern Union Company (MGE), Office of the Public Counsel, Midwest Gas Users' Association, Oneok Energy Marketing Company, and Constellation NewEnergy-Gas Division, LLC, requests the Commission approve the Joint Proposed Procedural Schedule. In support thereof, Staff respectfully states as follows:

1. On March 15, 2009, MGE filed with the Commission proposed tariff sheets bearing an effective date of September 1, 2010, lowering the threshold for transportation service eligibility to include larger customers within the LGS rate class of MGE, pursuant to the *Partial Stipulation and Agreement* filed, and approved by the Commission, in Case No. GR-2009-0355.
2. On March 23, 2010, the Commission issued its *Notice and Order Setting Prehearing Conference* in this matter. Among other things, the Commission in its Order scheduled an early prehearing conference on April 7, 2010, and directed that the parties file a proposed procedural schedule on or before April 14, 2010.
3. On April 7, a prehearing conference was held in this matter, with a follow-up meeting of the parties held on April 16.
4. On April 19, 2010, the Commission issued its *Order Granting the Parties Request for Extension of Time to File Procedural Schedule*, giving the parties until April 30, 2010 to file their proposed procedural schedule. The parties continue to discuss possible settlement of this

matter. In a separate motion, the parties request leave to file this proposed schedule of proceedings out-of-time.

5. This is not a general rate case, and the number of potential issues to be heard is limited. The parties have agreed that portions of the record of Case No. GR-2009-0355, the MGE general rate case from which the instant proceeding arises, should be incorporated by reference into the instant matter, to the extent relevant, namely:

A. Direct and Surrebuttal Testimony of Richard Haubensak for Constellation NewEnergy-Gas Division, LLC.

B. Rebuttal Testimony of David Kirkland for MGE.

C. The parties reserve the right to request that additional testimony from GR-2009-0355 be incorporated by reference into this matter.

6. Since portions of the pre-filed testimony from Case No. GR-2009-0355 will be incorporated by reference into the instant case, the parties request that new testimony to be filed herein pursuant to the procedural schedule proposed below be designated “Supplemental Direct Testimony” and “Supplemental Rebuttal Testimony” to facilitate the distinction in the record between new testimony and testimony incorporated by reference.

7. The parties respectfully propose that the Commission adopt the following procedural schedule in this case:

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Case Filing	March 15, 2010
Prehearing Conference	April 7, 2010
Simultaneous Supplemental Direct Testimony (all parties)	May 25, 2010
Simultaneous Supplemental Rebuttal Testimony (all parties)	June 22, 2010
Joint List and Order of Issues, List and Order of Witnesses, Order of Cross-Examination	July 2, 2010
Statements of Position / Prehearing Brief	July 7, 2010

Evidentiary Hearing	July 14-15, 2010
Post-hearing Briefs (all parties)	August 6, 2010
Operation of Law Date	September 1, 2010

8. The parties also request that the following procedures be reflected in the Commission's Order setting the procedural schedule this case:

- (a) All parties will provide copies of testimony (including schedules), exhibits and pleadings to other counsel 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.
- (b) An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information must 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 May 25 filing of supplemental direct testimony, 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 May 25, 2010 until the filing of supplemental 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.

- (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.

WHEREFORE, in response to the Commission's March 23, 2010 *Notice and Order Setting Prehearing Conference*, the Staff files this proposed procedural schedule and other procedural matters on behalf of the active other parties to Case No. GT-2010-0261.

Respectfully submitted,

/s/ Lera L. Shemwell

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 4th day of May, 2010.

Lera L. Shemwell