

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

In the Matter of Summit Natural Gas of Missouri's)	
Filing of Revised Tariffs to Increase its Annual)	<u>Case No. GR-2014-0086</u>
Revenues for Natural Gas Service.)	Tariff No. YG-2014-0285

**JOINT PROPOSED PROCEDURAL SCHEDULE
AND DISCOVERY ORDER**

COMES NOW the Staff of the Missouri Public Service Commission, by and through the Chief Staff Counsel, on behalf of all the parties and for their *Joint Proposed Procedural Schedule and Discovery Order*, states as follows:

Discovery Conditions

1. The parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.

2. 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 or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.

3. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be

required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

4. The parties make the following agreements regarding response time for data requests:

(A) Until revenue requirement direct testimony is filed on May 30, 2014, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or to notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

(B) After May 30, 2014, until rebuttal testimony is filed on July 11, 2014, the response time for data requests shall be ten (10) business days to provide the requested information, and five (5) business days to object or to notify the requesting party that more than ten (10) business days will be needed to provide the requested information.

(C) After rebuttal testimony is filed on July 11, 2014, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information.

5. The parties agree to the following provisions regarding discovery:

(A) Discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.

(B) Not less than two (2) 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 must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.

(C) Discovery conferences shall be on the record and shall be transcribed by a court reporter.

(D) 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.

(E) 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.

(F) If the parties do not identify any discovery disagreements or concerns as described in Paragraph 5(B), the time allotted for the discovery conference may be used for informal, off-the-record technical conferences as arranged in advance by the Parties.

(G) All direct case data requests, subpoenas, or other discovery requests shall be issued no later than August 11, 2014. With respect to deposing a witness, so long as a notice of deposition is issued by August 11, 2014, the deposition may occur, notwithstanding that the deposition will take place after August 11, 2014, or that there could be other conditions that must be satisfied prior to the deposition.

(H) All motions to compel a response to any discovery request related to the direct case shall be filed no later than August 13, 2014. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the hearings on August 18, 2014.

(I) All true-up data requests, subpoenas, or other discovery requests shall be issued no later than September 17, 2014. With respect to deposing a witness, so long as a notice of deposition is issued by September 17, 2014, the deposition may occur, notwithstanding that the deposition will take place after September 17, 2014, or that there could be other conditions that must be satisfied prior to the deposition. All motions to compel a response to any discovery request related to the direct case shall be filed no later than September 19, 2014. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the hearings on September 24, 2014.

(J) The Parties shall make an effort to not include in data request questions either highly confidential or proprietary information, and the Parties shall make an effort not to over-designate information as either highly confidential or proprietary. If either highly confidential or proprietary information 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. 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.

(K) Any data requests between Staff and Summit shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued between Staff and Summit, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued between Staff and Summit, will be served on counsel for 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 Commission rule. 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 in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

Proposed Procedural Schedule

6. The Parties further recommend the Commission adopt the following procedural schedule:

<u>Item</u>	<u>Date</u>
Proposed Procedure Schedule	February 18, 2014

Recommended LPH Dates	February 25, 2014
Discovery Conference	March 5, 2014
Discovery Conference	April 2, 2014
Discovery Conference	May 7, 2014
Non-Summit parties to file Direct Testimony on revenue requirement	May 30, 2014
Data Request Response Time Changes to (10) business days/(5) business days to object	June 3, 2014
Discovery Conference	June 11, 2014
Non-Summit parties to file Direct Testimony on rate design	June 13, 2014
Preliminary Reconciliation circulated to the parties	June 18, 2014
Settlement Conference	June 23-25, 2014
All parties to file Rebuttal Testimony	July 11, 2014
Data Request Response Time Changes to (5) business days /(3) business days to object	July 14, 2014
Discovery Conference	July 16, 2014
True-up data available	July 18, 2014
Preliminary list of issues circulated among the parties	July 24, 2014
All parties to file Surrebuttal or Cross-Surrebuttal Testimony	August 1, 2014
Close of Discovery for Direct case	August 11, 2014
List of Issues, Order of Witnesses, Order of Cross-Examination,	August 11, 2014

Order of Opening	
Reconciliation	August 13, 2014
Discovery Conference	August 14, 2014
Statements of Position	August 15, 2014
Evidentiary Hearing/ Settlement Conference (if necessary)	August 18 – August 29, 2014
True-up Direct Testimony	September 10, 2014
True-up Rebuttal	September 17, 2014
True-up Hearing	September 24, 2014
All parties file Initial Post-Hearing briefs	September 29, 2014
All parties file Reply briefs and True-up Briefs	October 10, 2014
Report and Order Issue Date	November 5, 2014
Operation of Law Date:	December 1, 2014

WHEREFORE, Staff and all the parties pray that the Commission will adopt the foregoing *Proposed Procedural Schedule and Discovery Order*.

Respectfully submitted,

s/ Kevin A. Thompson
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Missouri Public Service Commission.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **18th day of February, 2014**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson

