

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 22nd day of December, 2015.

In the Matter of the Application of)	
South Central MCN LLC for)	File No. EA-2016-0036
Approval of Transfer of Assets and a)	
Certificate of Convenience and Necessity)	

ORDER SETTING SCHEDULE AND TERMS OF DISCOVERY

Issue Date: December 22, 2015

Effective Date: December 22, 2015

The Missouri Public Service Commission is granting the parties' request to adopt the *Parties' Jointly Proposed Procedural Schedule* ("motion").¹ The motion sets forth a procedural schedule and provisions governing discovery in this action as set forth in the ordered paragraphs. All parties agree to those provisions. Therefore, the Commission will grant the motion. Notice of hearing will issue separately.

THE COMMISSION ORDERS THAT:

1. The *Parties' Jointly Proposed Procedural Schedule* is incorporated into this order as if fully set forth and the parties are ordered to comply with it.
2. The procedural schedule shall be as follows.

<u>Date</u>	<u>Event</u>
December 3, 2015	Response Time for Data Requests Reduced to 10 Calendar Days to Respond and 5 Business Days to Object / Notify of Need for Additional Time to Respond
December 10, 2015	Additional Direct Testimony filed by SCMCN

¹ Electronic Filing Information System No. 39 (December 10, 2015).

December 18, 2015	SCMCN Motion for Partial Summary Disposition of Limited Legal Issue Whether the MoPSC Has Jurisdiction Under Section 393.190.1. Until the MoPSC Rules on this Issue, Parties May Conduct Discovery on the Basis that the MoPSC Does Have Such Jurisdiction
January 15, 2016	Parties May Respond to the SCMCN Motion for Partial Summary Disposition of Limited Legal Issue
January 22, 2016	SCMCN Replies to Parties that Responded to Its Motion For Partial Summary Disposition Whether the MoPSC Has Jurisdiction Under Section 393.190.
February 10, 2016	Possible issuance date of MoPSC Decision on SCMCN Motion for Partial Summary Disposition of Limited Legal Issue Whether the MoPSC Has Jurisdiction Under Section 393.190.1
February 22, 2016	Rebuttal Testimony by Staff, City Utilities, and Public Counsel
February 22, 2016	Response Time for Data Requests Reduced to 5 Business Days to Respond and 3 Business Days to Object / Notify of Need for Additional Time to Respond
March 11, 2016	Surrebuttal Testimony by SCMCN and possibly by City of Nixa / Cross-Surrebuttal Testimony possibly by Staff, City Utilities, and Public Counsel
March 18, 2016	List of Issues and Witnesses, Order of Witnesses, Order of Cross-Examination and Order of Opening Statements
March 25, 2016	Joint Stipulation of Undisputed Material Facts. Parties will make a good faith effort to reach a Joint Stipulation of Undisputed Material Facts but cannot provide the MoPSC assurance that they will be able to reach such an agreement.
March 29, 2016	Statements of Positions
April 1, 2016	Cutoff for Serving Data Requests and Other Discovery
April 8, 2016	Last Day for Holding Depositions
April 18-20, 2016	Evidentiary Hearing
May 12, 2016	Simultaneous Initial Post-Hearing Briefs
May 26, 2016	Simultaneous Reply Post-Hearing Briefs

3. The following provisions shall govern discovery.
 - a. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel of record 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. The source or support for a witness' testimony or report should be identified in the witness' testimony or report by citation or inclusion of the source or support. Examples of source or support for a witness' testimony or report are a document, a workpaper, or the response to a data request.
 - b. Parties shall try not to include highly confidential or proprietary information in data request questions. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information will be appropriately designated as such pursuant to 4 CSR 240-2.135.
 - c. Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically, from each other party serving a data request, an electronic copy of the text of the "description" of that data

request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. 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. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, 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 Commission rule. Other Parties' responses to Staff data requests shall be available to other parties on EFIS.

- d. SCMCN has voluntarily agreed that the response time for all data requests shall be ten calendar days, and five business days to object or notify that more than ten calendar days will be needed to provide the requested information. No Party has objected to those

times for all Parties. The Parties have also agreed that after the filing of Rebuttal Testimony and before the filing of Surrebuttal Testimony, the response time for data requests shall be five business days to provide the requested information, and three business days to object or notify that more than five business days will be needed to provide the requested information. Data requests sent after 5:00 p.m., C.S.T., will be considered served on the next business day. The Commission may rule on discovery motions filed after Surrebuttal Testimony is filed without holding the conference required by 4 CSR 240-2.090(8)(B).

- e. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked. Counsel shall 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 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 with formulas intact. Workpapers shall be provided in electronic format by emailing or by delivery of a compact disc or other electronic storage media.

- g. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to.
- h. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via email.

4. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Jordan, Senior Regulatory Law Judge