

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

In the Matter of the Application of South Central )  
MCN LLC for Approval of Transfer of Assets and )  
a Certificate of Convenience and Necessity )

**File No. EA-2016-0036**

**PARTIES' JOINTLY PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, South Central MCN, LLC ("SCMCN"), City of Nixa, City Utilities of Springfield Missouri, and the Office of the Public Counsel ("Public Counsel"), the "Parties" to this proceeding, and hereby this Jointly Proposed Procedural Schedule, and state as follows:

1. During the Prehearing Conference held on December 2, 2015, the Parties discussed a jointly proposed procedural schedule to be filed with the Missouri Public Service Commission ("Commission" or "MoPSC"). The Parties to this pleading have proposed the following dates in the procedural schedule, which is reflected herein. Those Parties request that the Commission adopt the procedural schedule set forth in paragraph 2 below, and also adopt the related procedural items that have been agreed upon, as reflected in paragraph 3 below.

2 The Procedural Schedule proposed by the Parties to this pleading is as follows:

<b><u>Date</u></b>	<b><u>Event</u></b>
Dec. 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
Dec. 10, 2015	Additional Direct Testimony filed by SCMCN

Dec. 18, 2015	SCMCN Motion for Partial Summary Disposition of Limited Legal Issue Whether the MoPSC Has Jurisdiction Under Section 393.190.1 <sup>1</sup> – Until the MoPSC Rules on this Issue, Parties May Conduct Discovery on the Basis that the MoPSC Does Have Such Jurisdiction
Jan. 15, 2016	Parties May Respond to the SCMCN Motion For Partial Summary Disposition of Limited Legal Issue
Jan. 22, 2016	SCMCN Replies to Parties which Responded to Its Motion For Partial Summary Disposition Whether the MoPSC Has Jurisdiction Under Section 393.190.
Feb. 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
Feb. 22, 2016	Rebuttal Testimony by Staff, City Utilities, and Public Counsel
Feb. 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
Mar. 11, 2016	Surrebuttal Testimony by SCMCN and possibly by City of Nixa / Cross-Surrebuttal Testimony possibly by Staff, City Utilities, and Public Counsel
Mar. 18, 2016	List of Issues and Witnesses, Order of Witnesses, Order of Cross-Examination and Order of Opening Statements
Mar. 25, 2016	Joint Stipulation of Undisputed Material Facts <sup>2</sup>
Mar. 29, 2016	Statements of Positions
Apr. 1, 2016	Cutoff for Serving Data Requests and Other Discovery
Apr. 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

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<sup>1</sup> SCMCN does not dispute that the MoPSC has jurisdiction under Section 393.170.

<sup>2</sup> 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.

3. The Parties request that the Commission adopt the following procedures regarding discovery:

- a) All parties shall provide copies of testimony (including schedules),<sup>3</sup> 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.
- b) Parties shall try to not 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 will be available to other parties on EFIS.

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<sup>3</sup> The source/support for a witness' testimony/report should be identified in the witness' testimony/report by citation or inclusion of the source/support. Examples of source/support for a witness' testimony/report are a document, a workpaper, or the response to a data request.

- d) SCMCN has voluntarily agreed to a response time for all data requests shall be 10 calendar days, and 5 business days to object or notify that more than 10 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 5 business days to provide the requested information, and 3 business days to object or notify that more than 5 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 2 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 e-mailing 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 e-mail.

**WHEREFORE**, the above-named Parties file the Jointly Proposed Procedural Schedule set forth in paragraph 2 above, and request that the Commission adopt the same and include in its Order its adoption of the procedural items requested by the Parties in paragraph 3 above.

Respectfully submitted,

**/s/ Lowell Pearson**

Lowell Pearson, Missouri Bar #46217  
Husch Blackwell LLP  
235 East High Street, P.O. Box 1251  
Jefferson City, MO 65101-3206  
Phone: (573) 761-1115  
Fax: (573) 634-7854  
Email: lowell.pearson@huschblackwell.com  
Kyle C. Barry, Missouri Bar #  
Phone: (314) 480-1208  
Fax: (314) 480-1505  
E-mail: kyle.barry@huschblackwell.com  
Alison M. Nelson, Missouri Bar #58004  
Husch Blackwell LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105-3433  
Phone: (314) 480-1592  
Fax: (314) 480-1505  
E-mail: ali.nelson@huschblackwell.com

N. Beth Emery, D.C. Bar #351296  
South Central MCN, LLC  
2 North LaSalle St., Ste. 420  
Chicago IL 60602  
Phone: (312) 283-5222  
Fax: (312) 283-5199  
E-mail: bemery@gridliance.com

Attorneys for South Central MCN, LLC

**/s/ D. Patrick Sweeney**

D. Patrick Sweeney, Missouri Bar #33336  
Hall Ansley, P.C.  
3275 E. Ridgeview Street  
Springfield, MO 65804  
Phone: (417) 890-8700  
Fax: (417) 890-8855  
E-mail: psweeney@hallansley.com

**/s/ Steven Dottheim**

Steven Dottheim  
Chief Deputy Staff Counsel  
Missouri Bar #29149  
P.O. Box 360  
Jefferson City, Missouri 65102  
Phone: (573) 751-7489  
Fax: (573) 751-9285  
E-mail: steve.dottheim@psc.mo.gov  
Nathan Williams  
Deputy Staff Counsel  
Missouri Bar #35512  
Phone: (573) 751-8702  
Fax: (573) 751-9285  
E-mail: nathan.williams@psc.mo.gov

Attorneys for the Staff of the  
Missouri Public Service Commission

**/s/ John Black**

John F. Black, Missouri Bar #30352  
City Utilities of Springfield, Missouri  
P.O. Box 551  
301 E. Central  
Springfield, MO 65801-0551  
Phone: (417) 831-8604  
Fax: (417) 831-8303  
E-mail: john.black@cityutilities.net

Beverly G. Baughman, Mo. Bar #40038  
Phone: (417) 831-8609  
Fax: (417) 831-8303  
E-mail: bev.baughman@cityutilities.net  
Rex McCall, Missouri Bar #29751  
Phone: (417) 831-8605  
Fax: (417) 831-8303  
E-mail: rex.mccall@cityutilities.net

Robert L. Daileader, Jr.  
Nixon Peabody LLP  
799 Ninth Street, N.W. Suite 500  
Washington, D.C. 20001  
Phone: (202) 585-8318  
Fax: (202) 585-8080  
E-mail: rdaileader@nixonpeabody.com

Attorneys for the City of Nixa

John P. Coyle, D.C. Bar #334409  
Duncan & Allen  
1730 Rhode Island Ave., N.W.  
Washington, D.C. 20036-3115  
Phone: (202) 842-8194  
Fax: (202) 842-289-8450  
E-mail: jpc@duncanallen.com

Attorneys for City Utilities of Springfield,  
Missouri

**/s/ Marc D. Poston**

Marc D. Poston, Missouri Bar #45722  
Deputy Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102  
Phone: (573) 751-5558  
Fax: (573) 751-5562  
E-mail: marc.poston@ded.mo.gov

Attorney for the Office of the Public Counsel

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this 10th day of December, 2015, to counsel for all parties of record.

**/s/ Steven Dottheim**  
Steven Dottheim