#### STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 12th day of May, 2005.

In the Matter of Laclede Gas Company's ) Tariff to Revise Natural Gas Rate Schedules )

<u>Case No. GR-2005-0284</u> Tariff File No. YG-2005-0653

# ORDER ESTABLISHING PROCEDURAL SCHEDULE

On April 7, 2005, Laclede Gas Company and the Staff of the Commission filed proposed procedural schedules.

On April 11, 2005, the Office of the Public Counsel filed a pleading opposing Laclede's proposed schedule and Staff's alternative proposed schedule. Staff, although it included an alternative proposed schedule in its filing, stated that it did not support that proposal, nor did it support Laclede's proposal. Staff also indicated that the Missouri Industrial Energy Consumers opposed its alternative proposal. Both Staff and Public Counsel argue that Laclede's proposal and Staff's alternative proposal include concepts from the Commission's case efficiency discussions that are untested and have not been fully vetted. For example, they point out that having the parties exchange information among themselves instead of filing testimony has not been tried, nor is there agreement that such would be a workable procedure.

The Commission will not adopt any of the schedules as filed, but will establish a schedule that incorporates the elements from the case efficiency discussions that the parties agree upon (an early technical conference, a later settlement conference, and hearing roadmaps), and certain other changes to the type of schedule generally used in

rate cases. The Commission's schedule will not have testimony filed before the settlement conference, but will allow three rounds of prefiled testimony. Historically, much of the prefiled testimony in a rate case pertains to issues that are later settled – rendering the prefiled testimony irrelevant. But because it has been filed in the case, it is a part of the record that must be preserved and transmitted to a reviewing court even though all involved recognize that it is no longer relevant to any matter in controversy. This is an inherently inefficient system, and most parties recognize the inefficiencies although they are not yet ready to commit to change it.

Because much of the evidence will have been filed before the hearing, the Commission will require pretrial briefs that address all the issues in dispute and all the relevant prefiled testimony. Since the pretrial briefs will cover most of the record, post-trial briefs will not need to very lengthy, and will be limited to ten pages in length. Post-trial briefs will generally just need to update the pretrial briefs for new evidence adduced at the hearing. The Commission will expedite the production of the transcript of the hearing, and will require the filing of post-trial briefs within about ten days of the filing of the transcript. The Commission will also schedule closing arguments at the end of the hearing.

The following conditions will apply:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

2

(B) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(C) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it should bring, in addition to a copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

### **IT IS THEREFORE ORDERED:**

1.	That the following procedural schedule is established:	
	Updated Company Workpapers	June 3, 2005
	Technical Conference	June 15-17, 2005
	Parties Exchange Revenue Requirement Recommendations	July 6, 2005
	Parties Exchange Rate Design Recommendation	tions July 13, 2005
	Settlement Conference	July 18-22, 2005
	Direct Testimony	August 12, 2005
	Rebuttal Testimony	August 30, 2005
	Surrebuttal Testimony	September 16, 2005
	Pretrial Briefs	September 28, 2005
	Evidentiary Hearing	October 3-14, 2005

3

2. That this order shall become effective on May 22, 2005.

## BY THE COMMISSION

### Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Davis, Chm., Murray, Gaw, Clayton, and Appling, CC., concur.

Mills, Deputy Chief Regulatory Law Judge