

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

In the Matter of the Application of The Empire       )  
District Electric Company, The Empire District       )  
Gas Company, Liberty Utilities (Midstates Natural    )  
Gas) Corp., and Liberty Utilities (Missouri Water)   )  
LLC for an Affiliate Transactions Rule Variance       )

**File No. AO-2018-0179**

**JOINT RESPONSE TO REGULATORY LAW JUDGE'S INSTRUCTIONS**

**COMES NOW** Staff of the Missouri Public Service Commission ("Staff"), through Staff Counsel's Office, in response to the direction of the Regulatory Law Judge ("RLJ") at the Prehearing Conference convened on Thursday, April 12, 2018, at 1:00 p.m. in Room 310, Governor Office Building, 200 Madison Street, Jefferson City, Missouri that the Parties (the Applicants, Staff, and the Office of the Public Counsel ("Public Counsel")) report by Thursday, April 19, 2018, how they next propose to proceed in File No. AO-2018-0179. Staff on behalf of itself, the Applicants, and the Public Counsel responds as follows:

1. After taking entries of appearance at the Prehearing Conference, the proceedings went off the record and the Parties reconvened in a Commission conference room for discussions. All Parties had technical staff available, in person or by phone, and discussions occurred into mid-afternoon.

2. The Applicants are aware that Staff has a number of concerns. Staff suggested that rather than setting a procedural schedule at this time, a better approach would be for Staff to file a Memorandum Recommendation with the Commission, after which time the parties may set a procedural schedule for the filing of testimony if necessary. The Parties suggest that Staff file its Memorandum Recommendation no

later than May 31, 2018, and agree to meet and/or confer by conference call soon afterwards to determine if there is a basis for continued discussion, i.e., whether the Parties will be able to reach a settlement of the issues, or whether it will be necessary to set a procedural schedule.

3. The Parties believe that even if they determine a procedural schedule should be proposed at that point (based on filing testimony, holding a hearing, and filing briefs), the process of having Staff file a Memorandum Recommendation will help define and narrow the issues before the testimony process begins.

**WHEREFORE**, Staff, on behalf of itself, the Applicants, and the Public Counsel, responds to the directive of the RLJ at the Prehearing Conference convened on Thursday, April 12, 2018, and requests an Order directing (a) Staff to file a Staff Recommendation, no later than May 31, 2018, and (b) the Parties to advise the Commission by June 7, 2018, whether discussions are occurring among the Parties and should continue or the Parties will provide the Commission a proposed procedural schedule to be set by the Commission.

Respectfully submitted,

**/s/ Mark Johnson**

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**/s/ Steven Dottheim**

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Attorneys for Staff of the  
Missouri Public Service Commission

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via e-mail on Counsel for the parties of record to this case, on this 19th day of April, 2018.

**/s/ Steven Dottheim**