

**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**

**MOTION TO MODIFY PROCEDURAL SCHEDULE**

**COME NOW** The Empire District Electric Company, The Empire District Gas Company, Liberty Utilities (Midstates Natural Gas) Corp., and Liberty Utilities (Missouri Water) LLC (collectively the “Applicant Utilities”), Staff of the Missouri Public Service Commission (“Staff”), and the Office of Public Counsel (“OPC”) (collectively the “Parties”) and file their *Motion to Modify Procedural Schedule*. For their Motion, the Parties state as follows:

1. On behalf of the Parties, the Applicant Utilities filed a *Proposed Procedural Schedule* on December 5, 2018, and on December 7, 2018, the Commission approved the proposed schedule, setting a hearing for March 4, 2019.

2. On January 23, 2019, Staff and the Applicant Utilities will file their *Nonunanimous Stipulation and Agreement* (“Stipulation”) in this matter. The Staff and the Applicant Utilities have provided OPC an unexecuted copy of the Stipulation and discussions are still occurring among the Parties. As such, the Parties request the following modification of the procedural schedule:

**Additional Direct Testimony – Testimony in Support  
of the Stipulation (Applicants and Staff)**

**January 23, 2019**

**Depositions  
2019**

**January 28,**

**Rebuttal Testimony, if Necessary (OPC)**

**February 8, 2019**

<b>Surrebuttal Testimony, if Necessary (Applicants and Staff)</b>	<b>February 20, 2019</b>
<b>Depositions</b>	<b>February 26, 2019</b>
<b>List of Issues, Order of Witnesses, Order of Cross-Examination and Opening</b>	<b>February 27, 2019</b>
<b>Statements of Position</b>	<b>February 28, 2019</b>
<b>Evidentiary Hearing</b>	<b>March 4, 2019<sup>1</sup></b>
<b>Briefs</b>	<b>March 18, 2019<sup>2</sup></b>

3. Commencing January 23, 2019, the response time for all data requests shall be five (5) calendar days to provide the requested information, and three (3) calendar days to object or notify that more than five (5) calendar days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day.

4. With respect to deposing witnesses, any depositions concerning issues raised in parties' *Additional Direct Testimony* shall be held on January 28, 2018, if necessary. Further, any depositions concerning *Surrebuttal Testimony* shall be held on February 26, 2018, if necessary.

5. Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each Party on the same day as the filing of the testimony document, unless a Party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with

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<sup>1</sup> The date of the Evidentiary Hearing remains unchanged from the Commission's December 7, 2018, *Order Setting Hearing*.

<sup>2</sup> The date on which the Parties are to file their Briefs remains unchanged from the Commission's December 7, 2018, *Order Setting Hearing*.

testimony, the Party's attorney shall so notify the other Parties within the time allowed for providing those workpapers.

**WHEREFORE**, the Parties respectfully request the Commission modify the procedural schedule as proposed herein; and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

**/s/ Mark Johnson**

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**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 18<sup>th</sup> day of January, 2019.

**/s/ Mark Johsons**