

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
April 12, 2001**

**CASE NO: GR-2001-388; GR-2001-39**

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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

# BEFORE THE PUBLIC SERVICE COMMISSION

## STATE OF MISSOURI

In the matter of Southern Missouri Gas       )  
Company, L.P.'s Purchased Gas                )  
Adjustment factors to be reviewed in its       ) Case No. GR-2001-39  
1999-2000 Actual Cost Adjustment            )

In the matter of Southern Missouri Gas       )  
Company, L.P.'s Purchased Gas                )  
Adjustment factors to be reviewed in its       ) Case No. GR-2001-388  
2000-2001 Actual Cost Adjustment            )

(Consolidated)

### **ORDER CONSOLIDATING CASES AND ORDER ESTABLISHING PROCEDURAL SCHEDULE**

On April 11, 2001, in each of these cases, all of the parties filed with the Missouri Public Service Commission their joint proposed procedural schedule and motion to consolidate.

#### **Motion to Consolidate**

Commission Rule 4 CSR 240-2.110(3) states:

When pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.

The parties point out that both cases involve common questions of law and fact since both involve Southern Missouri Gas' purchased gas adjustment factors to be audited in actual cost adjustments. Case number GR-2001-39 involves Southern Missouri's purchased gas adjustment factors to be audited in its 1999-2000 actual cost adjustment. Case number GR-2001-388 involves Southern Missouri's purchased gas adjustment factors to be audited in its 2000-2001 actual cost adjustment. The parties' opinion is that the

consolidation of the cases would be beneficial and would dispose of any contested issues raised in either case.

The Commission finds that both cases involve common questions of law and fact and will thus consolidate the cases.

### **Procedural Schedule**

The Commission has reviewed the proposed procedural schedule and finds the dates appropriate, establishes a procedural schedule, and finds that these conditions apply:

(A) The Commission requires the prefiling of testimony as defined in Commission Rule 4 CSR 240-2.130. All parties must 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.

(B) Under Commission Rule 4 CSR 240-2.130(15), testimony and schedules may not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established will be considered public information.

(C) The parties must agree on and the Staff must file a list of the issues to be heard, the witnesses to appear on each day of the hearing, and the order in which they will be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party must file a statement of its position on each disputed issue. The statement must be simple and concise, and must not

contain argument about why the party believes its position to be the correct one.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, the request must be tendered in writing to the law judge at least five days prior to the date of the hearing.

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

(G) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the law judge, and all counsel.

Each party is strongly encouraged to submit to the law judge its suggested findings of fact and conclusions of law at the same time it files its statement of position. The suggested findings of fact and conclusions of law should be submitted in both paper form and electronically.

**IT IS THEREFORE ORDERED:**

1. That, under Commission Rule 4 CSR 240-2.110(3), case numbers GR-2001-39 and GR-2001-388 are consolidated for all purposes, with GR-2001-388 being the lead case.

2. That the procedural schedule established in case number GR-2001-388 by order issued April 6, 2001, is supplanted by the procedural schedule set forth in this order.

3. That the following procedural schedule is established:

Staff recommendation (GR-2001-39)	July 2, 2001
Company response (GR-2001-39)	August 1, 2001
Company submits audit information	November 1, 2001
Company responds to DRs (GR-2001-388)	November 15, 2001
Staff recommendation (GR-2001-388)	July 15, 2002
Company response (GR-2001-388)	August 14, 2002
Direct testimony (both cases/all parties)	September 17, 2002
Rebuttal testimony (both cases/all parties)	October 16, 2002
Issues list	October 23, 2002
Position statement	October 30, 2002
Surrebuttal testimony (both cases/all parties)	November 13, 2002
Evidentiary hearing	November 18, 2002 8:00 a.m.

4. That the evidentiary hearing will be in Room 310 (the large hearing room) in the offices of the Missouri Public Service Commission in Jefferson City, Missouri, located on the main floor of the Governor Office Building, 200 Madison Street. The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this hearing, please call the Missouri Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

5. That this order shall become effective on April 22, 2001.

**BY THE COMMISSION**

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large, stylized "D" and "R".

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

(S E A L)

Bill Hopkins, Senior Regulatory Law  
Judge, by delegation of authority under  
to Section 386.240, RSMo 2000.


Dated at Jefferson City, Missouri,  
on this 12th day of April, 2001.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 12<sup>th</sup> day of April 2001.



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

