

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 24th day of May, 2017.

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

In the Matter of the Laclede Gas Company's)
Request to Increase Its Revenues for Gas) **File No. GR-2017-0215**
Service) **Tariff No. YG-2017-0195**

In the Matter of the Laclede Gas Company d/b/a)
Missouri Gas Energy's Request to Increase Its) **File No. GR-2017-0216**
Revenues for Gas Service) **Tariff No. YG-2017-0196**

**ORDER ADOPTING PROCEDURAL SCHEDULE
AND DELEGATING AUTHORITY**

Issue Date: May 24, 2017

Effective Date: May 24, 2017

On May 11, 2017, the Staff of the Missouri Public Service Commission (Staff) filed a proposed procedural schedule that was agreed upon by Staff, the Office of the Public Counsel, Laclede Gas Company, Midwest Energy Consumers Group, Missouri Department of Economic Development – Division of Energy, USW Local 11-6, Missouri Industrial Energy Consumers, City of St. Joseph, and the Missouri School Boards' Association. On May 16, 2017, an amended proposed procedural schedule was filed, removing true-up language that had been inadvertently included. These parties also agreed upon certain procedural provisions that the Commission will incorporate into this order. Staff stated that no party objected to the proposed procedural schedule. The

Commission will generally adopt the procedural schedule proposed by the proponents; however, some alterations in the proposed briefing schedule and terms related to confidential information have been made.

The proposed discovery schedule includes deadlines for the service of discovery requests and for the filing of motions to compel discovery. The schedule also provides for periodic discovery conferences at which the parties may obtain prompt resolution of any discovery disputes.¹

To ensure that such discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2016, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes raised at the discovery conference and to rule on all motions to compel discovery.

The Commission further adopts, at the recommendation of the parties, the historical test year period for the year ending December 31, 2016, to be updated for known and measurable changes through June 30, 2017. Additionally, the Commission notes that the parties have also agreed to true-up known and measurable revenue, rate base, and expense items through September 30, 2017.

The Commission will address the scheduling of local public hearings in a subsequent order.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

¹ The Commission advises the parties to be mindful of the appropriate designation with regard to confidential information after proposed changes to 4 CSR 240-2.135 become effective on July 30, 2017. The designations in 4 CSR 240-2.135 will supersede this order.

- Discovery Conference** - **July 12, 2017**
10:00 a.m.
- Discovery Conference** - **August 9, 2017**
10:00 a.m.
- Direct Testimony on Revenue Requirement (non-Laclede/MGE parties) (Response times for Data Requests (DRs) change as set out below.)** - **September 8, 2017**
- Discovery Conference** - **September 13, 2017**
10:00 a.m.
- Direct Testimony on Rate Design (non-Laclede/MGE parties)** - **September 22, 2017**
- End of True-Up Period** - **September 30, 2017**
- Technical/Settlement Conference (This is an informal conference among the parties and will not be on the record.)** - **October 10-11, 2017**
- Rebuttal Testimony on Revenue Requirement (all parties) (Response times for DRs change as set out below.)** - **October 17, 2017**
- Discovery Conference** - **October 18, 2017**
10:00 a.m.
- Rebuttal Testimony on Rate Design (all parties)** - **October 20, 2017**
- Laclede/MGE Files True-Up Direct Testimony and Provides Auditable Accounting Information to All Parties** - **October 27, 2017**
- Preliminary Issues List to be provided to all parties (Not Filed)** - **November 1, 2017**
- Technical/Settlement Conference (This is an informal conference among the parties and will not be on the record.)** - **November 2-3, 2017**

- Surrebuttal Testimony (all parties)
(Response times for Data Requests (DRs)
change as set out below.)** - **November 21, 2017**
- Last Day to Request Rate Case
Discovery** - **November 27, 2017**
- True-Up Direct Testimony
(non-Laclede/MGE parties)** - **November 28, 2017**
- List of Issues, Order of Witnesses,
Order of Cross-Examination, Order of
Opening (maintaining the distinction, if
any, between Laclede-specific and
MGE-specific issues)** - **November 28, 2017**
- Parties to Provide Valuation of Their
Positions to Staff for Final Reconciliation** - **November 29, 2017**
- Statements of Position** - **November 29, 2017**
- Final Reconciliation Filed** - **November 30, 2017**
- Hearing
(beginning the first day at 9:00 a.m.
and each day after at 8:30 a.m.
unless otherwise ordered)** - **December 4-8, 2017
and
December 11-15, 2017**
- True-Up Rebuttal Testimony
(all parties)** - **December 20, 2017**
- Last Day to Request True-Up Discovery** - **December 21, 2017**
- True-Up Hearing** - **January 3, 2018
9:00 a.m.**
- Initial Post-Hearing Briefs** - **January 8, 2018**
- Reply/True-Up Briefs** - **January 17, 2018**
- Operation of Law Date** - **March 8, 2018**

2. The parties shall comply with the following procedural requirements:
- (A) All parties must comply with Commission Rule 4 CSR 240-2.130, including the requirement that testimony be filed on line-numbered pages.
 - (B) Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
 - (C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
 - (D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall 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.
 - (E) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each Commissioner, the Presiding Officer, and counsel for each other party.
 - (F) The parties shall provide all workpapers (in electronic format, whenever feasible) within two (2) business days following the date when the related testimony is filed.
 - (G) 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 with formulas intact, the party providing the workpaper or response shall provide this type of information in that original format subject to the Commission's rules on discovery procedure.

- (H) All parties shall provide copies of testimony (including schedules), 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 shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (I) Until direct testimony is filed on September 8, 2017, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.
- (J) After September 8, 2017, until rebuttal testimony is filed on October 17, 2017, the response time for data requests shall be ten (10) business days to provide the requested information, and five (5) business days to object or notify the requesting party that more than ten (10) business days will be needed to provide the requested information.
- (K) After rebuttal testimony is filed on October 17, 2017, the response time for data requests shall be seven (7) business days to provide the requested information and four (4) business days to object or notify the requesting party that more than seven (7) business days will be needed to provide the requested information.
- (M) After surrebuttal testimony is filed on November 21, 2017 until November 27, 2017, the final day parties may request discovery, the response time for data requests shall be five (5) business days to provide the requested information, and three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information. Parties will strive to limit data requests submitted during this time period to information pertaining to matters raised for the first time in another party's surrebuttal testimony.
- (N) Discovery conferences will be held in Room 305 at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.
- (O) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other

parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement or concern must attend. If the parties do not identify any discovery disagreements or concerns before the scheduled conference, the presiding officer may cancel the conference.

- (P) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (Q) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- (R) Compliance with Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- (S) If the parties do not identify any discovery disagreements or concerns as described in Paragraph O, the time allotted for the discovery conference may be used for informal, off-the-record technical conferences as arranged in advance. Each party shall make a good faith effort to notify all parties in advance of the technical conference of the anticipated topics/issues to be discussed.
- (T) All data requests, subpoenas, or other discovery requests shall be issued no later than November 27, 2017, except that discovery requests regarding true-up issues shall be issued not later than December 21, 2017. With respect to deposing a witness, depositions must be completed at least three (3) business days prior to the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- (U) All motions to compel a response to any discovery request submitted November 24, 2017, or before, shall be filed no later than December 1, 2017.
- (V) The parties shall make an effort to not include in data request questions either highly confidential, proprietary, or confidential information, and the parties shall make an effort not to over-designate information as highly confidential, proprietary, or confidential. If highly confidential, proprietary, or confidential information must be included in data request questions, that information should be appropriately designated as such pursuant to

4 CSR 240-2.135 as in effect at the time of designation. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

- (W) Any data requests between Staff and Laclede/MGE shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued between Staff and Laclede/MGE, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued between Staff and Laclede/MGE, will be served on counsel for 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. 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 in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

3. The Commission adopts the historical test year period for the year ending December 31, 2016, to be updated for known and measurable changes through June 30, 2017. Known and measurable revenue, rate base, and expense items through September 30, 2017, shall be trued-up in a manner that results in a reasonable matching among such items. Laclede/MGE will make auditable accounting information related to all items to be trued-up available to all parties on or before October 27, 2017. A hearing on true-up issues is set for January 3, 2018. For true-up issues, no party shall revise or change that party's methods or methodologies from its direct case, except in

the event of an extraordinary or unusual occurrence and upon reasonable notice provided to all parties.

4. Issues anticipated for true-up include: changes to plant-in-service, depreciation reserve, all other rate base items (with the exception of revenue and expense lags for cash working capital), revenues (all categories), customer growth, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rate, number of employees), other employee benefits, payroll taxes, insurance expense, rate case expense, depreciation expense, various amortizations, income taxes, property taxes, capital structure, capital costs, and other significant items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. No party is precluded from proposing an additional item for true-up that may cause a significant increase or decrease in Laclede and/or MGE's cost of service, i.e., in revenues, expenses or investment, or from proposing that any item(s) not be trued-up.

5. The transcripts of the hearing shall be expedited.

6. The hearing and true-up hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

7. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Dippell, Senior Regulatory Law Judge