

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 5<sup>th</sup> day of September, 2018.

In the Matter of the Application of Spire Missouri Inc. for an Accounting Authority Order Concerning Its Commission Assessment for the 2019 Fiscal Year )  
 ) **File No. GU-2019-0011**  
 )  
 )

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Issue Date: September 5, 2018

Effective Date: September 5, 2018

On July 13, 2018, Spire Missouri Inc. applied to the Commission for approval of an accounting authority order to authorize deferred accounting treatment for an increase in its Fiscal Year 2018 assessment from the Missouri Public Service Commission. Notice was given and an intervention was granted. A procedural conference was held on August 21, 2018. Following the conference, the Staff of the Missouri Public Service Commission (Staff), on behalf of all the parties, filed a proposed procedural schedule.

The Commission will adopt the proposed procedural schedule. Additionally, the Commission adopts the other procedural requirements as proposed with some revisions and additions.<sup>1</sup>

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Spire's Direct Testimony</b>	-	<b>October 1, 2018</b>
<b>Rebuttal Testimony</b>	-	<b>October 29, 2018</b>

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<sup>1</sup> The Commission will not waive the requirement of Commission Rule 4 CSR 240-2.090(8) that a party must seek a telephone conference with the presiding officer before filing a discovery motion. The Commission also amended the date for Position Statements to give the Commission adequate time to consider the parties' positions before the hearing. Further, the Commission added other specific procedural and filing requirements.

**(Parties Other than Spire)**

<b>Surrebuttal Testimony (All Parties)</b>	-	<b>November 15, 2018</b>
<b>Last day to request discovery</b>	-	<b>November 28, 2018</b>
<b>List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements (Filed by Staff on Behalf of All Parties)</b>	-	<b>November 28, 2018</b>
<b>Statements of Position (All Parties)</b>	-	<b>December 3, 2018</b>
<b>Pre-marked Exhibit Lists</b>	-	<b>December 7, 2018</b>
<b>Hearing</b>	-	<b>December 11, 2018, beginning at 8:30 a.m.</b>
<b>Initial Briefs</b>	-	<b>December 28, 2018</b>
<b>Reply Briefs</b>	-	<b>January 11, 2019</b>

2. The 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.

3. The parties shall comply with the following procedural requirements:
- (A) Testimony shall be prefiled 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.
  - (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, 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. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
- (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 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 at the hearing. 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) 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 are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (G) Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving those documents on counsel of record for all other parties via e-mail. To provide additional security, confidential documents are considered served when filed in EFIS and shall not be served via e-mail.
- (H) With regard to data requests:
  - i. Each party serving a data request shall send an electronic copy of the text of the "description" of that data request to counsel for each party contemporaneously with service of the data request.
  - ii. Data requests issued to or by Staff shall be submitted and responded to in EFIS if feasible. If infeasible, data requests issued to or by Staff shall be submitted and responded to in electronic format on compact disc or by other means agreed to by counsel. Additionally, if the description of a

Staff-issued data request contains confidential information or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.

iii. 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 a copy of the response from the party answering the data request. A party's request for a copy of the response shall be responded to in a timely manner.

iv. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but 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.

v. Data request responses, other than responses to data requests issued by or to Staff, 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.

vi. The parties shall make an effort not to include confidential information in data requests and the parties shall make an effort to not over-designate information as confidential. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

vii. Until Rebuttal Testimony is filed on October 29, 2018, 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.

viii. After October 29, 2019, 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 to notify the requesting party that more than five (5) business days will be needed to provide the requested information.

(I) With regard to workpapers:

- i. Workpapers prepared in the course of developing testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers.
    - ii. Workpapers containing confidential information shall be appropriately marked.
- (J) Where workpapers or data request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, the party providing the workpaper or response shall provide this type of information in the original format, if available, with formulas intact.
- (K) All direct case data requests, subpoenas, or other discovery requests shall be issued no later than November 28, 2018. With respect to deposing a witness, so long as a notice of deposition is issued by November 28, 2018, the deposition may occur, notwithstanding that the deposition will take place after November 28, 2018, or that there could be other conditions that must be satisfied prior to the deposition.
- (L) With regard to discovery conferences:
  - i. As agreed by the parties, formal discovery conferences may be held at the Commission's office in Jefferson City, Missouri, with one week's notice to all parties by the presiding officer.
  - ii. Not less than two (2) business days before each formal 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, and should not be in that form unless the presiding officer has previously indicated in a Commission Rule 4 CSR 240-2.090(8) informal telephone conference that a motion to compel may be filed. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.
  - iii. Formal discovery conferences shall be on the record and shall be transcribed by a court reporter.
  - iv. Any pending written discovery motion may be taken up at a formal discovery conference and may be ruled upon by the presiding officer either on the record, or in a written order.
- (M) All motions to compel a response to any discovery request related to the direct case shall be filed no later than December 7, 2018. The parties

shall make an effort to resolve all discovery disputes well before the hearing; however, the parties shall present any outstanding motions to compel to the presiding officer at the beginning of the hearing on December 11, 2018.

(N) Exhibit numbers for the hearing are assigned in the following manner:

Spire Missouri Inc.	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Midwest Energy Consumers Group	300-399

If any party requires additional exhibit numbers, it may add 1000 the beginning of its assigned numbers. For example, if Spire Missouri Inc. has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

(O) Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party via email and to the presiding officer at: [nancy.dippell@psc.mo.gov](mailto:nancy.dippell@psc.mo.gov). The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

4. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Dippell, Senior Regulatory Law Judge