

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

In the Matter of the Application of Summit)	
Natural Gas of Missouri, Inc. for Approval)	<u>File No. GO-2012-0322</u>
Of Its Cost Allocation Manual)	

MODIFIED PROPOSED PROCEDURAL SCHEDULE

COME NOW the Staff of the Missouri Public Service Commission ("Staff"), on behalf of itself, Summit Natural Gas of Missouri, Inc. ("SNGMO"), and the Office of the Public Counsel ("OPC") (collectively "the Parties"), and hereby submits this Jointly Proposed Modified Procedural Schedule as follows:

1. On March 29, 2019, the Parties submitted their most current Status Report ("Status Report"), indicating to the Commission that the Parties would submit an agreed upon Cost Allocation Manual ("CAM"), or in the alternative, a proposed procedural schedule, by May 28, 2019. Since the Parties filed their Status Report, they have continued to discuss the specifics of a SNGMO CAM, but have been unable to reach agreement on a CAM.

2. Staff and SNGMO filed a Proposed Procedural Schedule on May 28, 2019; however, subsequent to that filing, SNGMO discovered a conflict of which it was previously unaware, and reached out to the Parties.

3. After conferring further, the Parties have agreed upon a modified procedural schedule, as follows:

Modified Proposed Procedural Schedule

Filing of a CAM, and supportive Direct Testimony	June 28, 2019
Rebuttal Testimony	August 5, 2019
Surrebuttal Testimony	August 26, 2019

List of Issues, List of Witnesses, and Order of Cross-Examination	August 29, 2019
Last Day to Request Discovery ¹	August 30, 2019
Position Statements	September 3, 2019
Evidentiary Hearing	September 9-10, 2019
Initial Post-Hearing Briefs	October 1, 2019
Reply Briefs	October 15, 2019

Proposed Procedural Requirements

- (a) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, 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 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. 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 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 for marking 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 of the Commissioners, the presiding officer, and counsel for each other party.

¹ By issuing data requests or other written discovery requests, subpoenas, or the last date by which a deposition may be taken.

- (f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel 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 (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not already exist in electronic format into electronic format for purposes of exchanging.
- (g) Workpapers prepared in the course of developing a 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 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 testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- (h) 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, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.
- (i) Until the filing of direct testimony, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After direct testimony is filed on June 28, 2019, the response time for data requests shall be 10 calendar days to provide the requested information and 5 business days to object or notify the requesting party that more than 10 calendar days will be needed to provide the requested information. After surrebuttal testimony is filed on August 26, 2019, the response time for data requests shall be 5 calendar days to provide the requested information and 2 business days to object or notify the requesting party that more than 5 calendar days will be needed to provide the requested information. Data requests sent after 5:00 p.m. will be considered served on the next business day
- (j) Each party serving a data request on another party shall provide counsel for all other parties an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request.
- (k) Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or, if infeasible, in electronic format on compact disc, or by other means agreed to by counsel. Also regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.
- (l) 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.

- (m) 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.
- (n) Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on 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.
- (o) Documents filed in EFIS shall be considered properly served by serving them on counsel of record for all other parties by e-mail.
- (p) All data requests, subpoenas, or other discovery requests or notices shall be issued no later than September 4, 2019. With respect to deposing witnesses, depositions must be completed by September 4, 2019, unless witness availability requires that a deposition be conducted after that date.
- (q) The parties shall make an effort to not include confidential information in data requests. 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.
- (r) If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed.

WHEREFORE, Staff, on behalf of the Parties, respectfully prays that the Commission adopt the procedural schedule and procedural requirements proposed herein.

Respectfully submitted,

/s/ Mark Johnson

Mark Johnson,
Deputy Counsel
Mo. Bar #64940
(573) 751-7431 (Telephone)
mark.johnson@psc.mo.gov (E-mail)

/s/ Steven Dottheim

Steven Dottheim
Chief Deputy Staff Counsel
Mo. Bar #29149
(573) 751-7489 (Telephone)
steve.dottheim@psc.mo.gov (E-mail)

Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102
(573) 751-9285 (Fax)

Attorneys for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record this 31st day of May 2019.

/s/ Mark Johnson