

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

In the Matter of the Application of Laclede Gas )  
Company to Change its Infrastructure System ) **File No. GO-2016-0332**  
Replacement Surcharge in its Missouri Gas ) Tariff No. YG-2017-0048  
Energy Service Territory )

In the Matter of the Application of Laclede Gas )  
Company to Change its Infrastructure System ) **File No. GO-2016-0333**  
Replacement Surcharge in its Laclede Gas ) Tariff No. YG-2017-0047  
Service Territory )

**ORDER SETTING PROCEDURAL SCHEDULE AND OTHER  
PROCEDURAL REQUIREMENTS**

Issue Date: December 15, 2016

Effective Date: December 15, 2016

On December 12, 2016, the Commission issued an order directing the parties to file a joint proposed procedural schedule, and the parties complied with that order on December 14, 2016. The Commission will modify the proposed procedural schedule and order additional procedural requirements. By law, the Commission must issue an order regarding the petitions effective no later than January 28, 2017.<sup>1</sup> Issuing an order with an effective date of less than ten days is presumptively unreasonable,<sup>2</sup> so the Commission must issue a final order in this case no later than January 18, 2017. The agenda meeting immediately prior to this date for the Commissioners to discuss this case is January 11, 2017, so the proposed date of January 10, 2017 for an evidentiary hearing is not workable. The only date for an evidentiary hearing that does not conflict with the Commissioners' schedules is January 3, 2017, so the Commission will set that date for the hearing.

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<sup>1</sup> Section 393.1015.2(3), RSMo

<sup>2</sup> *Office of the Public Counsel v. Public Service Commission*, 409 S.W. 3d 522, 529 (Mo. App. 2013).

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Date</b>	<b>Event</b>
Dec. 16, 2016	Direct testimony
Dec. 23, 2016	Rebuttal testimony
Dec. 27, 2016	Last day to request discovery
Dec. 27, 2016	Joint list of issues, order of witnesses, order of parties for cross-examination, order of opening statements
Dec. 28, 2016	Position statements
Jan. 3, 2017	Evidentiary hearing
Jan. 4, 2017	Expedited transcript
Jan. 6, 2017	Briefs

2. The evidentiary hearing is scheduled for January 3, 2017, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission’s Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The parties shall comply with the following additional procedural requirements:

- A. 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. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- B. Public documents filed in the Commission’s Electronic Filing and Information System (EFIS) shall be considered properly served by

serving the same on counsel of record for all other parties via email. The parties shall obtain highly confidential documents from EFIS and shall not serve those documents via email.

- C. Whenever possible, data request questions should not contain either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be prominently marked and appropriately designated as such pursuant to 4 CSR 240-2.135.
- D. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the “description” of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. 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.
- E. Any party seeking the response to a data request that has been issued by another party shall request a copy of the response from the party answering the data request.
- F. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- G. If a data request has been responded to, a party’s request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to.
- H. For data requests served after the filing of direct testimony on December 16, 2016, the response time for data requests shall be 5 business days to provide the requested information, and 3 business days will be needed to provide the requested information. For data requests served after December 23, 2016, the response time for data requests shall be 4 business days to provide the requested information, and

2 business days to object or notify that more than 4 business 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.

- I. Workpapers that were prepared in the course of developing a witness' testimony (including schedules) and exhibits should not be filed with the Commission but shall be submitted to each party within 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. Workpapers containing highly confidential or proprietary information should 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.
- J. 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 the original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- K. All data requests, subpoenas, or other discovery requests or notices shall be issued no later than December 27, 2016.
- L. All filings made through the Commission's Electronic Filing and Information System (EFIS) will be timely filed if filed before midnight on the date the filing is due. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- M. 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.
- N. 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, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

- O. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- P. 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 unresolved issues that the parties believe require decision by the Commission.
- Q. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If testimony or documents are pre-filed and served on the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter as an exhibit at the evidentiary hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- R. The parties shall pre-number their hearing exhibits sequentially with individual party designation, as follows by example:
  - a.) Laclede Exhibit No. 1, Laclede Exhibit No. 2, Laclede Exhibit No. 3, etc.
  - b.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
  - c.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- S. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than December 30, 2016. 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.

4. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, slightly slanted style.

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 15<sup>th</sup> day of December, 2016.

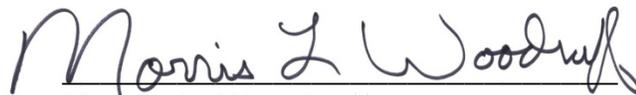
**STATE OF MISSOURI**

**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 15<sup>th</sup> day of December 2016.



  
Morris L. Woodruff  
Secretary

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 15, 2016**

**File/Case No. GO-2016-0332 and GO-2016-0333**

**Missouri Public Service  
Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

*Sincerely,*



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.