

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

In the Matter of the Application of The Empire	)	
District Electric Company, The Empire District Gas	)	
Company, Liberty Utilities (Midstates Natural Gas)	)	<b><u>Case No. AO-2018-0179</u></b>
Corp., and Liberty Utilities (Missouri Water) LLC	)	
for an Affiliate Transactions Rule Variance.	)	

**MOTION TO MODIFY THE ORDERED REBUTTAL  
AND SURREBUTTAL TESTIMONY FILING DATES**

**COMES NOW** the Office of the Public Counsel and, for its *Motion to Modify the Ordered Rebuttal and Surrebuttal Testimony Filing Dates* for this case, states:

1. Pursuant to the Commission’s order of February 8, 2019, the following procedural schedule is in effect:

- |   |   |
|---|---|
| • Rebuttal Testimony, if necessary (OPC).                                       | February 11, 2019                       |
| • Surrebuttal Testimony if necessary<br>(Applicants and Staff).                 | February 22, 2019                       |
| • List of Issues, Order of Witnesses,<br>Order of Cross-Examination and Opening | March 12, 2019                          |
| • Statements of Position  | March 15, 2019                          |
| • Evidentiary Hearing   | March 4, 2019<br>Beginning at 8:30 a.m. |
| • Briefs  | March 18, 2019                          |

2. By its following statement in its February 8, 2019, order, “Due to Commissioner unavailability on the requested hearing date of March 19, 2019, the Commission will order the parties to file available dates for March and April, 2019,” the Commission has expressed that it intends to modify the currently ordered March 4, 2019, hearing and March 18, 2019, briefing dates.

3. During the evening of Monday, February 11, 2019, the Office of the Public Counsel provided the following notice to the Commission and parties in the body of an e-mail:

Dear Judge Pridgin,

The OPC will not be in a position to file testimony today, and we are requesting an extension until Friday, February 15, 2019 because, among other reasons, our witness had to re-create his testimony from memory after his testimony was inadvertently deleted. To compound this issue, the person who normally redacts/files our testimony is out of the office this week caring for her daughter's newborn, and the anticipated testimony would contain a number of confidential statements.

In light of these circumstances and tomorrow's holiday, we are requesting until Friday to file.

We have cc'd the parties, and we intend to work with them to accommodate any changes in the procedural schedule that would be warranted in light of this request. We anticipate making a filing for the Commission formally reflecting our request to late file, unless you and the other parties do not feel that would be necessary.

4. The Office of the Public Counsel reached out to the other parties in the morning of February 13, 2019, with a proposal to modify the rebuttal and surrebuttal testimony filing dates from February 11, and 22, to February 15 and 27, respectively. Counsel for all of them have responded that this proposed change is acceptable.

5. If the Commission grants this motion, the resulting schedule follows:

- Rebuttal Testimony, if necessary (OPC). **February 15, 2019**
- Surrebuttal Testimony if necessary  
(Applicants and Staff). **February 27, 2019**
- List of Issues, Order of Witnesses,  
Order of Cross-Examination and Opening March 12, 2019
- Statements of Position March 15, 2019
- Evidentiary Hearing **TBD**  
Beginning at 8:30 a.m.
- Briefs **TBD**

**WHEREFORE**, the Office of the Public Counsel prays that the Commission modify the currently ordered rebuttal and surrebuttal testimony filing dates as set forth above.

Respectfully,

/s/ Nathan Williams  
Nathan Williams  
Chief Deputy Public Counsel  
Missouri Bar No. 35512

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**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 13<sup>th</sup> day of February 2019.

/s/ Nathan Williams