

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2014-0216</u>
)	
Laclede Gas Company, doing business as Missouri Gas Energy,)	
)	
and)	
)	
Southern Union Company, formerly doing business as Missouri Gas Energy)	
)	
Respondents.)	

JOINT PROPOSED PROCEDURAL SCHEDULE

COME NOW the Staff of the Missouri Public Service Commission, Complainant; Laclede Gas Company, doing business as Missouri Gas Energy, and Panhandle Eastern Pipe Line Company, LP, successor to Southern Union Company, formerly doing business as Missouri Gas Energy, Respondents; and The Office of The Public Counsel; and hereby respectfully submit their Joint Proposed Schedule for the proceedings in the above-captioned matter.

1. **Staff Recommendations.** The parties are in agreement that the recommendations set forth in Staff's report, and in Count II of the Complaint, should be addressed as soon as possible, and that discussions regarding these recommendations should not be delayed pending discovery in either the Civil Litigation or in this

proceeding. Accordingly, the parties have agreed to commence such discussions, beginning in June 2014 on a date mutually agreeable to the parties.

2. **The Civil Litigation.** The parties recognize that to date 11 civil lawsuits have been filed in the Circuit Court of Jackson County, Missouri, arising from the February 19, 2013 explosion and fire incident at JJs Restaurant in Kansas City, Missouri. All such lawsuits have been assigned to Circuit Judge Robert Schieber, Division 15, and have been consolidated for purposes of discovery. (For convenience, these consolidated lawsuits will be referred to herein as the “Civil Litigation”). Judge Schieber has set five separate trial dates in 2015 (July 13, August 24, September 28, November 2 and December 7), with the intention that as many of the civil lawsuits as have not been settled by that time be tried on those dates. Judge Schieber has also expressed a strong interest that the parties participate in early mediation, and it is likely that he will enter an order directing that mediations of the civil lawsuits occur during the summer of 2014. Finally, Judge Schieber has established the following deadlines for discovery and expert disclosure in the Civil Litigation:

- Plaintiffs shall designate retained and non-retained expert witnesses by November 1, 2014.
- Defendants shall designate retained and non-retained expert witnesses by December 15, 2014.
- Any rebuttal expert witnesses shall be designated by January 31, 2015.
- All discovery shall be completed by February 28, 2015. (The Court’s Scheduling Order suggests that there might be some flexibility for discovery after that date but emphasizes that this remains the target date for discovery completion.)

It is anticipated that Judge Schieber will also enter an agreed order in the Civil Litigation specifying that expert disclosures shall include all opinions and the bases for each opinion expressed by the designated experts.

3. Over 40 discovery depositions have already been taken in the Civil Litigation, and it is anticipated that at least an additional 60 or more fact witness depositions remain to be taken. In addition, it is anticipated that at least 20 and possibly as many as 50 expert witnesses will be designated by the parties to the Civil Litigation. The parties to this proceeding recognize that the Civil Litigation will generate testimony and expert analysis/opinion that may pertain to the issues raised in the Complaint.

4. In order to avoid duplicative efforts and conserve resources, the parties to this proceeding are in agreement that, to the extent feasible, they will use and rely upon the sworn testimony and expert analysis/opinions generated in the civil litigation, subject to the full exercise of their rights to object to the use or admission of any such information pursuant to normal rules of discovery. Respondents have agreed to provide to Complainant, at approximately 30-day intervals, all sworn deposition testimony and exhibits, all exchanged documents and records, and all disclosed expert opinions and reports, that have been produced or generated in the Civil Litigation.

5. **Proposed Schedule.** In light of the foregoing, the parties respectfully propose that the Commission establish the following procedural schedule in this case:

- June 2014 – Commencement of discussions on Staff's recommendations;
- February 13, 2015 – Complainant files direct testimony
- March 27, 2015 – Respondent and other parties file rebuttal testimony

- April 13, 2015 – Deadline for fact discovery and depositions
- April 27, 2015 – All parties to file surrebuttal testimony.

6. Finally, the parties respectfully propose that the hearing of this matter be set for May 18-22, 2015. The parties will submit post-hearing briefs as determined by the Commission after the hearing.

7. Subject to the exercise of normal discovery and objection rights, this approach allows the parties and the Commission to have the full benefit of all of the evidence gathered in the discovery process.

WHEREFORE, the parties to this case hereby submit this Joint Proposed Procedure Schedule for the Commission's consideration.

Respectfully submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

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