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Case No. GR-96-285

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On April 19, 1996, the Staff of the Missouri Public Service Commission (Staff) and the Office of the Public Counsel (OPC) filed a joint motion to establish a procedural schedule. The joint motion states that Staff and OPC recommend that their direct testimony be due no later than August 8, 1996, to afford sufficient time to conduct an on-site audit and prepare the case. On April 19, 1996, Missouri Gas Energy (MGE) filed a response to the motion. MGE requests that the Commission order the Staff, OPC and intervenors to file direct testimony no later than August 1, 1996, because a great deal of effort on MGE's part must take place in the short period of time between receipt of the direct cases of Staff, OPC and intervenors and the prehearing conference. On April 24, 1996, Staff filed an answer to MGE's response.

The Commission finds that Staff's and OPC's need to conduct an effective audit and prepare their cases as well as MGE's need to prepare for the prehearing conference are both important considerations. Therefore, the Commission will schedule the Staff, OPC and intervenor direct testimony to be due no later than August 5, 1996, rather than the proposed August 8, 1996. The schedule as proposed by Staff and OPC will be adopted with the sole exception that Staff, OPC and intervenor direct testimony shall be filed on or before August 5, 1996, rather than August 8, 1996.

The Commission finds that the following conditions should be applied to the schedule.

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(1) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(2) Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. A protective order was adopted for use in this proceeding on March 21, 1996.

(3) The Commission will schedule a prehearing conference in this case to allow the parties the opportunity to resolve procedural and substantive issues.

(4) The parties shall file a hearing memorandum setting out the issues to be considered and the order of the witnesses who will appear on each day of the hearing, definitions of terms, each party's position on the issues, and the order of cross-examination.

(5) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. The Commission Staff will be responsible for preparing and filing the hearing memorandum and, unless the Commission orders otherwise, the hearing memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue in time for Staff to meet the established filing deadline.

(6) Nothing in this order shall preclude a party from addressing, or having a reasonable opportunity to address, matters not previously disclosed and arising at the hearing.

(7) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such a request shall be tendered, in writing, to

the administrative law judge at least five days prior to the date of hearing. The administrative law judge will determine whether the request should be granted.

(8) The Commission believes it is appropriate to limit the length of initial briefs to 100 pages and reply briefs to 50 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

(9) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the administrative law judge, and opposing counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted for this case:

MGE files direct testimony	April 5, 1996 3:00 p.m.
Staff, OPC and intervenors file direct testimony (revenue)	August 5, 1996 3:00 p.m.
Staff, OPC and intervenors file direct testimony (rate design)	August 15, 1996 3:00 p.m.
Prehearing conference	September 3, 1996 10:00 a.m.
All parties file rebuttal testimony	September 26, 1996 3:00 p.m.
Hearing memorandum	October 3, 1996
Reconciliation schedule	October 3, 1996
All parties file surrebuttal testimony	October 11, 1996 3:00 p.m.
Hearing	October 21-25, 1996 10:00 a.m. (first day)

The prehearing conference and hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person(s) with special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script that reads "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

Thomas H. Luckenbill, Deputy Chief
Administrative Law Judge, by
delegation of authority under
Commission Directive of January 3,
1995, pursuant to Section 386.240,
R.S.Mo. 1994.

Dated at Jefferson City, Missouri,
on this 26th day of April, 1996.