

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Request for a Rate Increase )  
by Terre Du Lac Utilities Corporation )

File No. WR-2014-0104  
Tracking No. YW-2014-0368

In the Matter of a Request for a Rate Increase )  
by Terre Du Lac Utilities Corporation )

File No. SR-2014-0105  
Tracking No. YS-2014-0369

## ORDER RE-SETTING HEARINGS, DETERMINING TEST YEAR, AND AMENDING PROCEDURAL SCHEDULE

Issue Date: May 9, 2014

Effective Date: May 9, 2014

The Missouri Public Service Commission is granting the *Joint Motion to Set Test Year and to Establish Procedural Schedule* (“motion”), which Staff filed on May 9, 2014 on all parties’ behalf.<sup>1</sup> The parties propose a test year ending September 30, 2013, with certain exceptions, which the Commission will order, as set forth in the ordered paragraphs. The parties also propose certain conditions for discovery, which the Commission will incorporate into this order verbatim as set forth in the ordered paragraphs. The parties further propose a procedural schedule, including re-scheduling the evidentiary hearing. The Commission will incorporate that proposed schedule, and order dates for the filing of briefs, as set forth in the ordered paragraphs.

### THE COMMISSION ORDERS THAT:

1. The *Joint Motion to Set Test Year and to Establish Procedural Schedule* (“motion”) is granted.
2. Test Year. The test year shall be the 12 months ending on September 30, 2013, with updates through December 31, 2014, except items for which the Commission provides otherwise. Any party seeking any other test year for any item shall set forth the proposed test year for that item in its position statement.

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<sup>1</sup> Electronic Filing and Information System, (“EFIS”) No. 20, filed on May 9, 2014.

3. Procedural Schedule. The evidentiary hearing is re-scheduled as set forth in the amended procedural schedule.

a. The amended procedural schedule shall be as follows.

<b>Item</b>	<b>Date (2014)</b>
Direct Testimony	June 23
Rebuttal Testimony	July 11
Surrebuttal Testimony	July 18
List of Issues, List and Order of Witnesses, Order of Opening, and Order of Cross-Examination	July 21
Statements of Positions	July 22
Evidentiary Hearing	July 24 and 25
Mandatory Simultaneous Opening Briefs	August 15
Mandatory Simultaneous Reply Briefs	August 22

b. The List and Order of Witnesses shall set forth the witness to appear each day in the order that the sponsoring party will call them, and the order of cross-examination for each witness.

c. Any statement of position and any brief shall describe the relief sought, cite supporting legal authority for that relief, and allege facts relevant under that authority with references to prepared testimony or other material in the file.

d. The Commission may deem abandoned any argument not set forth in conformity with ordered paragraph 3.c.

4. Discovery. The Commission will not grant any discovery-related motion that the Commission deems untimely, including any motion under ordered paragraph 4.e.viii. The parties may propose a schedule for discovery conferences. Any motion for a discovery conference shall allow time for the notice described in ordered paragraph 4.e.i. Discovery shall also be subject to the following conditions.

a. The Parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.

- b. 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 or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.
- c. All Parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, 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.
- d. The Parties agree as follows with respect to Data Requests:
  - i. Until direct testimony is filed on June 23, 2014, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or to notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.
  - ii. After June 23, 2014, the response time for data requests shall be five (5) business days to provide the requested information, and three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information.
- e. The Parties agree to the following provisions regarding discovery:
  - i. Discovery conferences shall be held on one week's prior notice to all parties.

- ii. Discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.
- iii. Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.
- iv. Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- v. Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- vi. Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- vii. The parties shall make an effort to issue all direct case data requests, subpoenas, notices of deposition or other discovery requests no later than July 13, 2014.
- viii. The parties shall make an effort to file all motions to compel a response to any discovery request related to the direct case no later than July 18, 2014. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any

outstanding motions to compel to the regulatory law judge at the beginning of the hearings on July 24, 2014.

- ix. The Parties shall make an effort to not include in data request questions either highly confidential or proprietary information, and the Parties shall make an effort not to over-designate information as either highly confidential or proprietary. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.
- x. Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, will be served on counsel for 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. 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 in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

5. Effective Date. This order shall become effective immediately on issuance.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Dated at Jefferson City, Missouri,  
on this 9<sup>th</sup> day of May, 2013.