

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of Laclede  
Gas Company for an Accounting Authority Order  
Authorizing the Company to Defer for Future Recovery  
Consideration its Just and Reasonable Costs of Providing  
Public Utility Service that would otherwise be  
Unrecovered due solely to the Extraordinary Impact of  
Record Warm Weather on the Company's Operations

Case No. GA-2002-429

AMENDED PROPOSED PROCEDURAL SCHEDULE AND REPORT

COME NOW Laclede Gas Company ("Laclede" or "Company"), the Staff of the Missouri Public Service Commission ("Staff"), the Office of Public Counsel ("Public Counsel"), Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-6, AFL CIO ("Local 5-6"), Paper, Allied-Industrial, Chemical, and Energy Workers Local No. 5-194, AFL-CIO ("Local 5-194")<sup>1</sup>, the Missouri Energy Group,<sup>2</sup> and the Missouri Industrial Energy Consumers ("MIEC")<sup>3</sup>, and for their Amended Proposed Procedural Schedule and Report for the above referenced case, state as follows:

1. On April 16, 2002, the Commission issued an Order Denying Request for Expedited Treatment, Scheduling Prehearing Conference and Denying Motion to Consolidate in the above-captioned case. In this Order, the Commission scheduled a prehearing conference for April 30, 2002. The Order further instructed the parties to be

<sup>1</sup> On March 18, 2002, Local 5-6 and Local 5-194 filed a joint Application to Intervene in support of Laclede's Application for an Accounting Authority Order ("AAO").

<sup>2</sup> The Missouri Energy Group consists of Barnes-Jewish Hospital, Emerson Electric Company, SSM HealthCare and St. John's Mercy Health Care. The Missouri Energy Group filed an Application to Intervene on April 3, 2002.

<sup>3</sup> The members of MIEC are Adam's Mark Hotel, Alcoa Foil Products, Anheuser-Busch, The Boeing Company, DaimlerChrysler, Ford Motor, General Motors, Hussmann Refrigeration, Monsanto, Procter & Gamble Manufacturing, Nestle Purina PetCare, Solutia and Tyco Healthcare. MIEC filed its Application to Intervene on April 24, 2002.

prepared to discuss at the prehearing conference whether this matter can be determined via oral argument or whether prefiled testimony would be necessary.

2. At the prehearing conference, the applications to intervene **filed by** Locals 5-6 and 5-194, the Missouri Energy Group and MIEC were all granted. In addition, Staff and Public Counsel represented that, in their view, questions of fact existed that required an evidentiary hearing.

3. At the close of the prehearing conference, the parties were directed to submit a proposed procedural schedule by May 10, 2002. On that date the parties filed a Proposed Procedural Schedule in the above referenced case.

4. On May 14, 2002, the Commission issued an Order Directing Filing, in which the Commission noted a conflict with the proposed evidentiary hearing dates of August 6-8, 2002. Accordingly, the Commission instructed the parties to file, by May 21, 2002, an amended proposed procedural schedule that includes alternative dates for the evidentiary hearing in this case (the "AAO Hearing"). Further, the Order stated that if the parties are not able to find and agree upon alternative dates that are available on the Commission's hearing schedule, the parties shall jointly file a report explaining the difficulties and options available to the Commission.

5. While the parties have reached agreement on many issues, the parties believe it is still necessary to file a Report regarding the AAO Hearing dates, briefing schedule and the date an order is requested. Accordingly, except for these issues, the parties agree on the following schedule:

Direct Testimony (Laclede)	May 15, 2002 (4:00 p.m.)
Rebuttal Testimony	June 28, 2002 (4:00 p.m.)

Prehearing Conference	July 2, 2002 (10:00 a.m.)
Surrebuttal Testimony (Laclede)	July 15, 2002 (4:00 p.m.)
Joint Issues Statement (All Parties)	July 17, 2002
Position Statement, Witness Lists, Order of Cross	July 26, 2002

6. With respect to the AAO Hearing dates, briefing schedule and requested order date, the parties report as follows:

#### Amount of Time Required for Hearing

Originally, the parties requested three days for the AAO Hearing. At this stage of the case, the parties' estimate of the time required for hearing varies from 1 to 3 days.

Accordingly, the options set forth herein make provision for three days of hearings should a second and third day of hearings become necessary.

#### Current Commission Hearing Schedule and Laclede Rate Case Schedule

- August 5-9 is currently reserved for a hearing before Judge Thompson on a telephone matter.
- August 12-16 has also been reserved for hearings.
- August 19, 22 and 23 are available on the Commission's hearing calendar.
- On August 20, Surrebuttal testimony is due in Laclede's rate case, GR-2002-356 (the "Laclede Rate Case").
- On August 21, Position Statements, Witness Lists, and Order of Cross are due in the Laclede Rate Case.
- August 26-30 and September 4-6 are reserved for the hearing in the Laclede Rate Case.

October 8 is the date scheduled for the true-up hearing in the Laclede Rate Case.

### Positions of the Parties

Commission. Based on the Order Directing Filing issued in GA-2002-429, the parties understand that the Commission would prefer to avoid or minimize holding two hearings simultaneously.

Laclede. Laclede would like to complete the schedule and receive a decision in this matter by September 30, 2002, so that there would be sufficient time to reflect any rate impacts of such decision in the true-up hearing in the Laclede Rate Case, which hearing is scheduled for October 8, 2002. Locals 5-6 and 5-194 support Laclede's request.

Staff and Public Counsel. Staff and Public Counsel prefer to avoid holding a hearing during the week of August 19-23, because of the Laclede Rate Case matters scheduled for the 20<sup>th</sup> and 21<sup>st</sup> of that week, and the need to prepare for the Laclede Rate Case, which begins on the next Monday, August 26 a

Locals 5-6 and 5-194. Locals 5-6 and 5-194 are available on August 19, but have scheduling conflicts on August 22 and 23. They are available on September 4 beginning late on the morning of that day, as well as on September 5 and 6.

Missouri Energy Group and MIEC. The Missouri Energy Group and MIEC do not have strong feelings regarding the schedule.

### Options for AAO Hearing Dates

1. Asst 8-9.<sup>5</sup>

<sup>o</sup> Public Counsel reserves the right to oppose at hearing any amounts deferred pursuant to an order of the Commission. Public Counsel also reserves the right to oppose recovery in the true-up proceeding. The remaining parties reserve the right to assert whatever position they believe is appropriate regarding these issues and the manner in which they are determined by the Commission.

<sup>5</sup> Should the AAO Hearing not be completed on August 9, such hearing would be concluded following the conclusion of the Laclede Rate Case hearing, as provided in Option #2. In this case, the parties would also follow the Option #2 briefing schedule.

While these dates still potentially conflict with the telephone matter scheduled for August 5-9, the potential conflict is reduced from 3 days to 2. In addition, since the two dates for the AAO Hearing are at the end of the week, the potential for conflict is minimized. Moreover, should the telephone case settle or conclude early, there would be little or no conflict at all. Post hearing briefs would be due August 23, and Reply Briefs would be due September 9. Laclede requests a Commission decision by September 30, which request is supported by Locals 5-6 and 5-194.

Laclede prefers these dates, because they allow more time for the parties to file briefs, and for the Commission to issue its decision. Locals 5-6 and 5-194 support Laclede's position. While none of the parties has a conflict with these dates, Staff and Public Counsel defer to the Commission's position regarding overlapping hearings.


If this option proposed by Laclede and supported by Locals 5-6 and 5-194 is not acceptable to the Commission, then Option #2 is the next available alternative that can be recommended by all of the parties.

2. September 4, 11:00a.m. - September 6, such that the AAO Hearing would follow the conclusion of the Laclede Rate Case hearing.

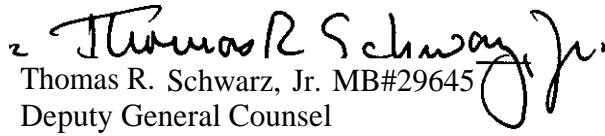
There are currently eight hearing days reserved for the Laclede Rate Case. It is anticipated that through settlement of some or all of the issues, stipulation or early conclusion, there is likely to be sufficient time to conduct the Rate Case hearing and the AAO Hearing during this eight-day period. Briefs on the AAO case would be due on September 20 and reply briefs would be due September 26. Again, Laclede requests a Commission Order by October 1, and Locals 5-6 and 5-194 support Laclede's request.

WHEREFORE, the undersigned parties respectfully request that the Commission consider the proposed procedural schedule and Report filed herein and issue an order setting a procedural schedule for this case.

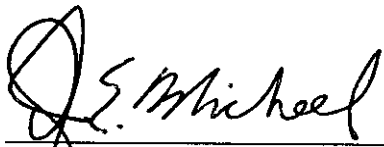
Respectfully submitted,

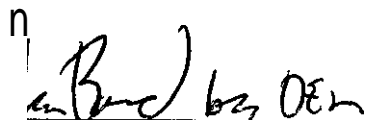
  
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### **Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing Proposed Procedural Schedule was served on all parties of record on this 21 st day of May, 2002 by hand-delivery or by placing a copy of such document, postage prepaid, in the United States mail.

Thomas R. Schwarz, Jr.



**Service List for**

**Case No. GA-2002-429**

**Revised: May 21, 2002 (SW)**

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