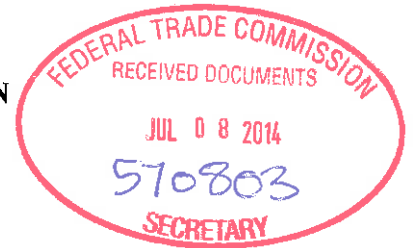


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



**In the Matter of**

**FERRELLGAS PARTNERS, L.P., a limited partnership, and**

**FERRELLGAS, L.P., a limited partnership, also doing business as BLUE RHINO, and**

**AMERIGAS PARTNERS, L.P., a limited partnership, also doing business as AMERIGAS CYLINDER EXCHANGE, and**

**UGI CORPORATION, a corporation.**

DOCKET NO. 9360

**COMPLAINT COUNSEL’S UNOPPOSED MOTION TO EXTEND DEADLINE FOR MOTIONS TO COMPEL RESPONSES TO DISCOVERY REQUESTS TO AMERIGAS**

Pursuant to Federal Trade Commission Rules of Practice 3.22(a) and 4.3(b), 16 C.F.R. §§ 3.22(a), 4.3(b), Complaint Counsel hereby moves to extend the deadline by fourteen (14) days for filing motions to compel responses to the First Set of Requests for Production and First Set of Interrogatories issued by Complaint Counsel to AmeriGas Partners, L.P., and UGI Corporation (collectively “AmeriGas”) on May 5, 2014 (hereinafter, the “First Set of Discovery Requests”).<sup>1</sup> AmeriGas has been consulted regarding this motion and does not oppose the requested relief.

According to paragraph 10 of the Revised Scheduling Order issued by the Administrative Law Judge on May 21, 2014: “Any motion to compel responses to discovery requests shall be filed within 30 days of service of the responses and/or objections to the discovery requests or

<sup>1</sup> Complaint Counsel subsequently agreed to AmeriGas’s request for a one-week extension of time to provide its responses or objections to the First Set of Discovery Requests, making those responses or objections due no later than June 12, 2014.

within 20 days after the close of discovery, whichever first occurs.” AmeriGas served its Objections and Responses to the First Set of Discovery Requests on June 12, 2014. Accordingly, pursuant to the Revised Scheduling Order, any motions to compel responses to the First Set of Discovery Requests must be filed by July 14, 2014.

A fourteen-day extension will allow Complaint Counsel and AmeriGas to continue their ongoing efforts to resolve AmeriGas’s objections to the discovery requests. To date, Complaint Counsel and AmeriGas have had several exchanges on this subject, including a lengthy phone conference on June 17, 2014, in which several areas of dispute were resolved. In addition, Complaint Counsel sent a detailed letter to AmeriGas on July 2, 2014, further explaining its position. The requested modest extension will facilitate these ongoing discussions, and may result in an amicable resolution of most, if not all, of the current disputes relating to the First Set of Discovery Requests.

For the reasons stated, Complaint Counsel respectfully requests that an extension of fourteen days (14) on the time to file motions to compel responses to the First Set of Discovery Requests issued to AmeriGas be granted.

Respectfully submitted,

s/ Eric D. Edmondson

Eric D. Edmondson

Counsel Supporting the Complaint  
Western Regional Office  
Federal Trade Commission  
San Francisco, CA 94103

Dated: July 8, 2014

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

Ferrellgas Partners, L.P., a limited partnership,  
and

Ferrellgas, L.P., a limited partnership, also  
doing business as Blue Rhino, and

AmeriGas Partners, L.P., a limited partnership,  
also doing business as AmeriGas Cylinder  
Exchange, and

UGI Corporation, a corporation,  
Respondents.

**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL'S UNOPPOSED  
MOTION TO EXTEND DEADLINE FOR MOTIONS TO COMPEL  
AMERIGAS'S RESPONSES TO DISCOVERY REQUESTS**

On July 7, 2014, Federal Trade Commission ("FTC") Complaint Counsel filed an Unopposed Motion to Extend Deadline for Motions to Compel Responses to Discovery Requests ("Motion"). Specifically, the Motion seeks an order extending , by fourteen (14) days, the deadline for filing motions to compel discovery under the Additional Provisions of the Revised Scheduling Order issued in this case. Additional Provision 10 state in pertinent part:

Any motion to comple responses to discovery requests shall be filed within 30 days of service of the responses and/or objections to the discovery requests or within 20 days after the close of discovery, whichever first occurs.

Revised Scheduling Order, May 21, 2014, Additional Provision 10.

The Motion states that, on May 5, 2014, Complaint Counsel issued a First Set of Requests for Production and a First Set of Interrogatories to Respondents AmeriGas Partners, L.P., and UGI Corporation (collectively, "AmeriGas"). Complaint Counsel subsequently granted AmeriGas's request for an extension of one week in which to respond to these two discovery requests, so that responses would be due no later than June 12, 2014. AmeriGas served its Objections and Responses to the foregoing discovery on Jun 12, 2014. Pursuant to Additional Provision 10, any motion to compel with respect to Complaint Counsel's discovery requests would be due on or before July 14, 2014; however, Complaint Counsel states the parties

have been engaged in efforts to resolve AmeriGas's objections to the discovery requests. The Motion asserts that the requested extension of time will allow the parties to continue these efforts, and may result in an amicable resolution of most, or all, of the current disputes. Complaint Counsel further states that AmeriGas does not oppose the Motion.

Based on the foregoing, good cause exists to extend the deadline as requested by Complaint Counsel. *See* 16 C.F.R. §3.21(c)(2)(providing that the Administrative Law Judge may, upon a showing of good cause, extend any deadline in the scheduling order, other than the date set for the evidentiary hearing). Furthermore, extending the deadline as requested will not affect the "need to conclude the evidentiary hearing and render an initial decision in a timely manner." *Id.*

Accordingly, the Motion is GRANTED, and it is hereby ORDERED that the deadline for Complaint Counsel to file any motion to compel responses to Complaint Counsel's First Set of Requests for Production and/or First Set of Interrogatories issued to AmeriGas shall be July 28, 2014.

**ORDERED:**

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Dated:

**CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 2014, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Daniel M. Wall  
Niall E. Lynch  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
(415) 395-8240  
(415) 395-8162  
dan.wall@lw.com  
niall.lynch@lw.com

*Counsel for Respondents Ferrellgas Partners, L.P., and  
Ferrellgas, L.P.*

Jay N. Varon  
Melinda Levitt  
FOLEY & LARDNER LLP  
3000 K Street, NW, Suite 600  
Washington, DC 20007  
(202) 672-5380  
jvaron@foley.com  
mlevitt@foley.com

*Counsel for Respondents AmeriGas Partners, L.P., and UGI  
Corporation*

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

July 8, 2014

By: s/ Thomas H. Brock  
Attorney