

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
November, 2012.

In the Matter of the Application of Transource Missouri,)
L.L.C. for a Certificate of Convenience and Necessity)
Authorizing it to Construct, Finance, Own, Operate,) **File No. EA-2013-0098**
and Maintain the Iatan-Nashua and Sibley-Nebraska)
City Electric Transmission Projects)

In the Matter of the Application of Kansas City Power &)
Light Company and KCP&L Greater Missouri Operations)
Company for Approval to Transfer Certain Transmission) **File No. EO-2012-0367**
Property to Transource Missouri, L.L.C. and for other)
Related Determinations)

**ORDER CONSOLIDATING FILES, SETTING PROCEDURAL
SCHEDULE, ESTABLISHING DISCOVERY GUIDELINES, GRANTING
STAFF'S REQUEST TO BE EXCUSED FROM FILING REPORT AND
DELEGATING AUTHORITY**

Issue Date: November 7, 2012

Effective Date: November 7, 2012

On November 2, 2012, the parties jointly requested these matters be consolidated and proposed a procedural schedule. The Commission's Staff also requested they be excused from filing a report that had been previously ordered on September 5, 2012. The Commission will consolidate these matters, adopt the proposed procedural schedule with modifications, and grant Staff's request.

THE COMMISSION ORDERS THAT:

1. File Numbers EA-2013-0098 and EO-2012-0367 are consolidated. File Number EA-2013-0098 shall be the lead case, and File Number EO-2012-0367 shall be closed. All filings for these matters shall be exclusively made in File Number EA-2013-0098.

2. An evidentiary hearing is scheduled for March 27-29, 2013, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

3. Discovery conferences may be requested at any time by contacting the Regulatory Law Judge and shall be requested without delay if a dispute occurs. **If no discovery issues are raised with the presiding officer within 5 business days of receiving a response or an objection to a discovery request, then the parties shall be deemed to have waived any claim or defense as to such response or objection.** It is the parties' counsel's responsibility to stay informed of all communications between its experts and any other parties' experts in relation to responses to Data Requests or any other discovery device.

4. The Commission delegates its authority to the Regulatory Law Judge to decide all discovery disputes.

5. The last day to serve discovery requests shall be Friday, March 15, 2013.

6. All hearings and conferences set in this order will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

7. The following procedural schedule is established:

Rebuttal Testimony: Staff, OPC & MIEC	-	January 30, 2013
Surrebuttal and Cross-Surrebuttal Testimony	-	March 1, 2013
Settlement Conference (Conference Call)	-	March 12, 2013
Last Day to Serve Discovery Requests	-	March 15, 2013

Issues List, Witnesses List, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements	-	March 19, 2013
Joint Stipulation of Non-Disputed Material Facts	-	March 20, 2013
Position Statements	-	March 21, 2013
Evidentiary Hearing	-	March 27-29, 2013 beginning at 8:30 a.m.
Transcript Expedited	-	April 3, 2013
Post-Hearing Briefs	-	May 1, 2013
Reply Briefs	-	May 22, 2013
Proposed Findings of Fact and Proposed Conclusions of Law	-	May 24, 2013

8. The parties shall comply with the following additional procedural requirements:

A. Data Requests:

- i.) If a Data Request has been responded to, a copy of such response shall be provided to another requesting Party, unless the responding Party objects to providing the response to such requesting Party.
- ii.) If a Data Request has been responded to by KCP&L, GMO, or Transource Missouri through KCP&L and GMO's Caseworks system, those companies will provide another requesting Party access to Caseworks for their review.
- iii.) If a Data Request has not yet been responded to, a copy of such response shall be provided to a requesting Party within the response time set for such underlying Data Request, unless the responding Party objects to providing the response to such requesting Party.
- iv.) If a Data Request has not yet been responded to by KCP&L, GMO, or Transource Missouri, those companies will provide another requesting Party access to Caseworks for their review when the response is provided to the Party that issued the underlying Data Request.

- v.) Each Party serving a Data Request on another Party shall provide an electronic copy of the text of the “description” of that Data Request to counsel for all other Parties contemporaneously with service of the Data Request.
- vi.) Regarding Staff-issued Data Requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that Data Request shall be considered a sufficient copy.
- vii.) Data Requests served after 5:00 p.m. shall be considered served on the next business day.
- viii.) If a Party desires a copy of the response to a Data Request that has been served on another Party, the Party desiring such copy shall request a copy of the response from the responding Party. Thus, if a Party desires a copy of a response by Transource Missouri to a Staff-issued Data Request, the Party should ask Transource Missouri, not the Staff, for a copy of the Data Request response unless there are appropriate reasons to direct the discovery to the Party originally requesting the material.
- ix.) Data Requests, objections to Data Requests, and notifications respecting the need for additional time to respond to Data Requests shall be sent by e-mail to counsel for all Parties.
- x.) Counsel may designate other personnel to be added to the service list for Data Requests, but shall assume responsibility for compliance with any restrictions on confidentiality.
- xi.) Data Request responses shall be served on counsel for the requesting Party and on 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. KCP&L, GMO, and Transource Missouri shall submit responses to Staff-issued Data Requests in EFIS, if feasible.
- xii.) If submission of responses to Staff-issued Data Request in EFIS is infeasible, then KCP&L, GMO, and Transource Missouri shall submit to Staff responses in electronic format, on compact disc, or by other means agreed to by Staff counsel.
- xiii.) Response Time to Data Requests Regarding and After Direct Testimony Filing up to Rebuttal Testimony Filing: 10 calendar days to object and advise of need for more than 20 calendar days response time.

- xiv.) Response Time to Data Requests Regarding and After Rebuttal Testimony Filing up to Surrebuttal and Cross-Surrebuttal Testimony Filing: 5 calendar days to object and advise of need for more than 10 calendar days response time.
 - xv.) Response Time to Data Requests Regarding and After Surrebuttal and Cross-Surrebuttal Testimony Filing: 3 calendar days to object and advise of need for more than 5 calendar days response time.
 - xvi.) If either highly confidential or proprietary information must be included in data request questions, the parties shall follow Commission Rule 4 CSR 240-2.135 for properly designating such information.
 - xvii.) Staff Data Requests for File No. EA-2013-0098 and/or File No. EO-2012-0367 are being submitted by Staff in EFIS only in File No. EA-2013-0098. KCP&L, GMO, and Transource Missouri shall treat Staff Data Requests submitted in File No. EA-2013-0098 as submitted and answered in both File No. EA-2013-0098 and File No. EO-2012-0367.
 - xviii.) Where Data Request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, the Party providing the responses shall provide such information in original format with formulas intact, if available.
- B. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form contemporaneously with the filing of such testimony, 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.
- C. Workpapers:
- i.) Workpapers that were prepared in the course of developing a witness' rebuttal, surrebuttal, or cross-surrebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each Party within two business days after the particular testimony is filed.
 - ii.) Workpapers, or a complete set of workpapers, need not be submitted to a Party that has indicated it does not want to receive workpapers, or a complete set of workpapers.

- iii.) If there are no workpapers associated with testimony, the Party's attorney shall so notify the other Parties within the time allowed for providing workpapers.
 - iv.) Workpapers containing highly confidential or proprietary information shall be appropriately marked.
 - v.) Where workpapers responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, the Party providing the workpapers shall provide such information in original format with formulas intact, if available.
- D. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail contemporaneously with the EFIS filing.
- E. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- F. The parties shall agree upon, and Staff shall file, a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- G. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- H. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission. However, for purposes of this case, 4 CSR 240-2.080(11), with respect to pleadings and briefs, is waived.
- I. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

- J. The parties shall pre-number their hearing exhibits sequentially with individual party designation as follows:
- a.) Transource Exhibit No. 1, Transource Exhibit No. 2, etc.
 - b.) KCPL Exhibit No. 1, KCPL Exhibit No. 2, KCPL Exhibit No., etc.
 - c.) GMO Exhibit No. 1, GMO Exhibit No. 2, GMO Exhibit No. 3, etc.
 - d.) MIEC Exhibit No. 1, MIEC Exhibit No. 2, MIEC Exhibit No. 3, etc.
 - e.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
 - f.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- K. Each party shall prepare a comprehensive exhibit list before the evidentiary hearing with the listed exhibits numbered sequentially as directed in paragraph J. Copies of the exhibit lists shall be provided to the Commissioners, the Regulatory Law Judge and the Court Reporter at the beginning of the hearing.
- L. In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

9. The requirement that the Commission's Staff shall file a report and recommendation no later than November 5, 2012, as was ordered on September 5, 2012, is canceled.

10. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge