

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Tariff Filing of The Empire	)	
District Electric Company to Implement General	)	Case No. ER-2004-0570
Rate Increase for Retail Electric Service Provided	)	
to Customers in its Missouri Service Area.	)	

**PROPOSED PROCEDURAL SCHEDULE**

COMES NOW The Empire District Electric Company ("Empire" or the "Company") on behalf of the Staff of the Missouri Public Service Commission ("Staff"), Praxair, Inc. ("Praxair"), the Office of the Public Counsel ("Public Counsel"), Explorer Pipeline Company ("Explorer") and the Missouri Department of Natural Resources ("DNR") (collectively, the "Parties"), and states the following to the Commission concerning the procedural schedule:

1. On May 5, 2004, the Commission issued its Suspension Order and Notice, Order Adopting Protective Order, Order Setting Hearings and Order Directing Filing, wherein, among other things, the Commission set this matter for a prehearing conference on June 3, 2004, and directed that the parties file a proposed procedural schedule by June 10, 2004.

2. Also on May 5, 2004, Praxair filed an application to intervene in this case. The Commission granted Praxair's request on May 20, 2004. Applications to intervene were later filed by Explorer and DNR on May 20 and May 25, 2004, respectively. The Commission granted these interventions at the prehearing conference on June 3, 2004.

**PROCEDURAL SCHEDULE**

3. The Parties have discussed possible procedural schedules and, as a result, propose the following schedule:

Direct testimony-Revenue Requirement Issues(all parties other than Empire)-Workpapers provided electronically within 24 hours <sup>1</sup> , testimony provided by email on date filed.	September 20, 2004
Direct testimony-Rate Design Issues (all parties other than Empire)- Workpapers provided electronically within 24 hours, testimony provided by email on date filed.	September 27, 2004
Issues/Settlement Conference- to eliminate errors and misunderstandings, then define and narrow issues	October 4-8, 2004
10-day discovery turnaround period begins by agreement of the parties (7 days to object or provide reasons for an inability to answer within 10 days)	October 11, 2004
Local Public Hearing - Joplin	See Paragraph 5 below
Local Public Hearing - Branson	See Paragraph 5 below
Rebuttal testimony-All Issues-Workpapers provided electronically within 24 hours, testimony provided by email on date filed.	November 4, 2004
Surrebuttal/Cross-Surrebuttal testimony (all parties), Workpapers provided electronically within 24 hours, Testimony provided by email on date filed.	November 24, 2004
List of Issues, Order of Witnesses, Order of Cross-Examination	November 29, 2004
Reconciliation	November 29, 2004
Statements of Position-each party's concise explanation of its position on each contested issue with its dollar value and citations to the relevant pre-filed testimony	November 29, 2004
Evidentiary Hearing Starts	December 6, 2004
Evidentiary Hearing Ends	December 17, 2004
Expedited Transcript due	December 20, 2004
Initial Briefs	January 21, 2005
Reply Briefs	February 4, 2005

4. Although this matter was originally set for three weeks of hearing, the Parties believe that the hearing can be completed in two weeks as proposed above. Additionally, the Commission

<sup>1</sup> In all instances, workpapers will be provided in electronic format only where the documents are available in such format.

originally set aside two days for a true-up hearing in this case. Because Empire has not requested a true-up, these hearing dates have been eliminated from the proposed schedule.

5. The Parties suggest that the identified local public hearings (Joplin and Branson) take place some time during the period October 12-14. The parties leave the specific dates to be determined by the Commission to allow the Commission to take into account the availability of facilities and coordinate the hearings with the Commission's schedule.

6. Lastly, the Parties agree that during the course of this case parties propounding data requests will contemporaneously send copies of such requests (requests only, not answers or responses) to all other parties.

#### **AGREEMENT**

7. Counsel for the Parties have given the undersigned authority to file this pleading on their behalf.

WHEREFORE, the Parties respectfully request that the Commission issue its order adopting the procedural schedule proposed herein.

Respectfully submitted,



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ATTORNEYS FOR  
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### **CERTIFICATE OF SERVICE**

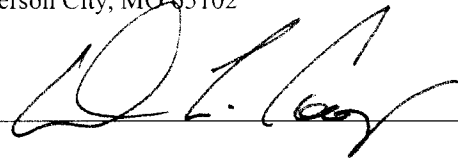
The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on June 10<sup>th</sup>, 2004, to the following:

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