

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 4th day of August, 2021.

In the Matter of the Request of The Empire)
District Electric Company d/b/a Liberty for)
Authority to File Tariffs Increasing Rates for)
Electric Service Provided to Customers in its)
Missouri Service Area)

File No. ER-2021-0312
Tracking No. JE-2021-0211

**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: August 4, 2021

Effective Date: August 4, 2021

The Empire District Electric Company d/b/a Liberty (Liberty) submitted tariff sheets to implement a general rate increase to Liberty's gross annual electric revenues. The Commission suspended the tariff sheets until April 25, 2022, to give it time to consider the tariff sheets. The Commission also ordered its Staff (Staff) to file a procedural schedule on behalf of the parties. Staff timely filed a proposed procedural schedule, the Office of the Public Counsel (OPC) did not join the proposed schedule because the schedule lacked dates for local public hearings. The Commission will adopt the proposed procedural schedule with some modifications, establish a test year, and order the filing of dates for local public hearings.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Discovery Conference	August 19, 2021
Updated Documentation provided by Liberty	August 27, 2021
Discovery Conference	September 16, 2021
Discovery Conference	October 21, 2021
Staff and Intervenors Direct Testimony – Revenue Requirement	October 29, 2021
Staff and Intervenors Direct Testimony – Rate Design	November 17, 2021
Discovery Conference	November 18, 2021
Settlement Conference	December 6, 2021
Discovery Conference	December 14, 2021
Rebuttal Testimony	December 20, 2021
Settlement Conference	January 5, 2022
Discovery Conference	January 13, 2022
Surrebuttal Testimony	January 14, 2022
Preliminary Reconciliation Circulated to Parties	January 17, 2022
List of Issues, Order of Witnesses, and Order of Cross-Examination	January 24, 2022
Position Statements	January 26, 2022
Final Reconciliation Filed and Cut-off for Discovery and Depositions	January 28, 2022
Evidentiary Hearing	January 31 st through February 10 th , 2022
Initial Briefs	February 24, 2022

Response Briefs

March 8, 2022

Operation of Law

April 25, 2022

2. The parties shall utilize a test year starting October 1, 2019, and ending September 30, 2020, updated through June 30, 2021.

3. The parties are not requesting a true-up at this time, but may request one at a later date if the audit and evidence justify one.

4. The parties shall jointly file dates and times for two local public hearings, which will be conducted via telephone and WebEx.

5. The evidentiary hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri, and will begin each day at 9:00 a.m. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

6. The parties shall comply with the following procedural requirements:

(A) Testimony shall be prefiled as defined in Commission Rule 20 CSR 4240 2.130. All parties must comply with this rule, including the requirement that testimony be filed on line numbered pages.

(B) Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue in this case, 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 cross examination for each

witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

- (C) Each party shall file a simple and concise statement summarizing its position on each issue that party disputes. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
- (D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240 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 remaining unresolved issues that are to be decided by the Commission.
- (E) If the testimony or documents are prefiled and served upon the parties before the hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each Commissioner, the Regulatory Law Judge, and counsel for each other party.
- (F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony,

exhibits or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

- (G) Parties shall make all reasonable efforts to not include confidential information in data request questions. If confidential information must be included in data request questions, the confidential information will be appropriately designated as such pursuant to 20 CSR 4240-2.135.
- (H) Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. 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 a copy of the response from the party answering the data request. 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 the other parties. 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. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, 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.

- (I) Until the filing of Staff/Intervenor Revenue Requirement testimony, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After the filing of Staff/Intervenor Revenue Requirement testimony on October 29, 2021, the response time for data requests shall be 15 calendar days to provide the requested information, and 8 calendar days to object or notify that more than 15 calendar days will be needed to provide the requested information. After the filing of Rebuttal testimony on December 20, 2021, the response time for data requests shall be 5 business days to provide the requested information, and 2 business days to object or notify that more than 5 business days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day.
- (J) Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within 2 business days following the filing of the particular testimony. Workpapers containing confidential

information shall be appropriately marked. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

- (K) 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, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- (L) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.
- (M) Discovery conferences will be held in Room 305 at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.
- (N) Not less than two 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 or concern must attend. If the parties do not identify any discovery disagreements or concerns before the scheduled conference, the presiding officer may cancel the conference.

- (O) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (P) Any pending written discovery motions 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.
- (Q) Compliance with Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived for discovery disputes that are raised at a discovery conference.
- (R) Exhibit numbers for the hearing are assigned in the following manner:

Liberty	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Renew Missouri	300-349
Midwest Energy Consumers Group	350-399
The Empire District Electric Company SERP Retirees	400-449
Empire District Retired Members & Spouses Association	450-499
City of Ozark, Missouri	500-549

If any party requires additional exhibit numbers, it may add 1000 to its assigned numbers. For example, if Staff has exhibits in addition to exhibit number 199, its next exhibit numbers would be 1100, 1101, 1102, etc.

- (S) Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and email a copy to the regulatory law judge. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing,

they will be assigned a number from that party's number group.

7. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Clark, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 4th day of August, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 4, 2021

File/Case No. ER-2021-0312

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent initial "M".

**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.