

**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 a General       )       Case No. ER-2006-0315  
Rate Increase for Retail Electric Service Provided       )  
to Customers in its Missouri Service Area.       )

**PROPOSED PROCEDURAL SCHEDULE**

**COME NOW** The Empire District Electric Company (“EDE or “Company”), the Staff of the Missouri Public Service Commission (“Staff”), the Office of the Public Counsel, Praxair, Inc. (“Praxair”), Explorer Pipeline Company (“Explorer”)<sup>1</sup>, Kansas City Power & Light Company (“KCPL”)<sup>2</sup>, Aquila, Inc. and the Missouri Department of Natural Resources, and for their Proposed Procedural Schedule, respectfully state as follows:

1.       On February 7, 2006, the Missouri Public Service Commission (“Commission”) issued its Suspension Order And Notice, Order Setting Hearings, And Order Directing Filing, which, among other things, suspended the tariff sheets filed by EDE on February 1, 2006, scheduled an early prehearing conference in this case for March 13, 2006, and ordered the parties to file a proposed procedural schedule no later than March 20, 2006. The Order further directed the parties to file, also by March 20, “recommendations as to the times, dates and locations for local public hearings in this case.”

2.       Discussions concerning a procedural schedule commenced at the early prehearing conference, which was held as scheduled. The parties hereby propose the following procedural schedule:

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<sup>1</sup> By signing this pleading, Praxair and Explorer do not waive their arguments as set forth in their joint Application For Rehearing, Recosideration Or Modification, filed February 17, 2006. Nor do they waive any arguments they may wish to raise as to the appropriateness of the prehearing brief and its relationship to a post-hearing brief or other post-hearing pleading, and the appropriate length of either.

<sup>2</sup> KCPL joins in this pleading; however, as of the time of filing, the Commission has not ruled on KCPL’s application for leave to intervene, to which no party objects.

### **Procedural Schedule**

Direct testimony-Rev. Req't (parties other than EDE)	June 23, 2006
Local public hearings – Joplin and Reeds Spring	one day during the week of June 26, 2006
Direct testimony-Rate Design (parties other than EDE)	June 30, 2006
Preliminary Reconciliation	June 30, 2006
Settlement conference	July 10-14, 2006
Preliminary List of Issues (not to be filed)	July 14, 2006
Rebuttal testimony (all parties) -	July 28, 2006
10-day discovery turnaround period begins by agreement of the parties (7 calendar days to object or provide reasons for an inability to provide answers)	July 28, 2006
Surrebuttal/Cross-Surrebuttal testimony (all parties)	August 18, 2006
List of Issues, Order of Witnesses, and Order of Cross-Examination	August 23, 2006
Statements of Positions on the Issues (all parties)	August 25, 2006
Reconciliation	August 25, 2006
Prehearing Briefs	August 30, 2006
Evidentiary hearing	September 5-8 & 11-15, 2006
Briefing schedule	(to be determined at hearing)
True-Up: Direct testimony	September 27, 2006
True-Up hearing:	October 2-6, 2006
Briefing schedule (True-Up only)	(to be determined at True-Up hearing)

3. Workpapers of the respective witnesses and experts will be provided to all parties within two business days of the filing of the testimony or exhibits to which such workpapers relate.

4. From and after the filing of rebuttal testimony, the parties agree that the standard time to respond to data requests shall be shortened to 10 calendar days.

5. As indicated above, the parties are suggesting that the local public hearings be held on a single day during the week of June 26, in the same locations---Joplin and Reeds Spring, Missouri---that were used during the last rate proceeding (Case No. ER-2004-0570). It might be possible to hold them in the same facilities. The addresses and proposed start times are as follows:

Reeds Spring Regional TCRC Reeds Spring High School Highway 413 South Reeds Spring, Missouri	12:30 p.m.
Webster Hall Missouri Southern State College 3950 East Newman Road Joplin, Missouri 64801-1595	6:00 p.m.

6. Any party issuing a data request will, at the same time, send copies of the data request to counsel for all of the other parties.

7. All pleadings, exhibits, testimony and other filings and materials will, to the extent possible, be served upon counsel for other parties by electronic means and in electronic form.

8. In accordance with standard practice, the proposed schedule calls for the parties to file Statements of Positions on the Issues on August 25. The relatively recently instituted Prehearing Briefs would be filed shortly thereafter on August 30, 2006. The parties respectfully

suggest that, if Prehearing Briefs are to be required, the requirement to also file Statements of Positions on issues produces very little, if anything, in terms of benefits, but causes additional and considerable duplicative effort for the parties shortly before the commencement of the evidentiary hearing, a time when the demand on limited resources is extremely heavy. Accordingly, the parties respectfully request that the Commission eliminate the Statements of Positions filing in its procedural schedule, assuming the Commission desires prehearing briefs. In accordance with footnote 1 above, Praxair and Explorer reserve their positions on this issue.

**WHEREFORE**, the parties respectfully submit the procedural schedule set forth above and request that it be adopted, except for the requirement that the parties file Statements of Positions on the Issues.

Respectfully submitted,

**/s/ Dennis L. Frey**

Dennis L. Frey, Mo. Bar No. 44697  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8700  
(573) 751-9285 (fax)  
e-mail: [denny.frey@psc.mo.gov](mailto:denny.frey@psc.mo.gov)  
Attorney for the Staff of the  
Missouri Public Service Commission

**/s/ James C. Swearengen by DLF**

James C. Swearengen, Mo. Bar No. 21510  
Janet E. Wheeler  
Brydon Swearengen & England, P.C.  
312 E. Capital Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 634-7431 (fax)  
e-mail: [LRackers@brydonlaw.com](mailto:LRackers@brydonlaw.com)  
Attorneys for  
The Empire District Electric Company

**/s/ James M. Fischer by DLF**

Curtis D. Blanc, Mo. Bar No. 58052  
Kansas City Power and Light Company  
1201 Walnut  
Kansas City, MO 64141  
(816) 556-2483  
(816) 556-2787 (fax)  
e-mail: [Curtis.Blanc@kcpl.com](mailto:Curtis.Blanc@kcpl.com)

James M. Fischer, Mo Bar. No. 27543  
Fischer & Dority, P.C.  
101 Madison  
Suite 400  
Jefferson City, MO 65101  
(573) 636-6758 Phone  
(573) 636-0383 Fax  
[jfischerpc@aol.com](mailto:jfischerpc@aol.com)  
Attorneys for  
Kansas City Power & Light Company

**/s/ Stuart W. Conrad by DLF**

Stuart W. Conrad, Mo. Bar No. 23966  
David L. Woodsmall, Mo. Bar No. 40747  
Finnegan, Conrad & Peterson, L.C.  
3100 Broadway, Suite 1209  
Kansas City, MO 64111  
(816) 753-1122  
(816) 756-0373 (fax)  
e-mail: [stucon@fcplaw.com](mailto:stucon@fcplaw.com)  
Attorney for Praxair, Inc.  
And Explorer Pipeline Company

**/s/ Shelley A. Woods by DLF**

Shelley A. Woods, Mo. Bar No. 33525  
Assistant Attorney General  
P.O. Box 899  
Jefferson City, MO 65102  
(573) 751-8795  
(573) 751-8464 (fax)  
e-mail: [Shelley.Woods@ago.mo.gov](mailto:Shelley.Woods@ago.mo.gov)  
Attorney for the  
Missouri Dept. of Natural Resources

**/s/ Diana C. Carter by DLF**

Diana C. Carter, Mo. Bar No. 50527  
Brydon, Swearengen & England  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 634-7431 (fax)  
e-mail: [DCarter@brydonlaw.com](mailto:DCarter@brydonlaw.com)  
Attorney for Aquila, Inc.

**/s/ Lewis R. Mills, Jr. by DLF**

Lewis R. Mills, Jr., Mo. Bar No. 35275  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102-7800  
(573) 751-1304  
(573) 751-5562 (fax)  
e-mail: [lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)  
Attorney for the  
Office of the Public Counsel

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 20th day of March 2006.

**/s/ Dennis L. Frey**