

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 27<sup>th</sup> day  
of March, 2013.

AG Processing, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. HC-2012-0259</u></b>
	)	
KCP&L Greater Missouri Operations Company,	)	
	)	
Respondent.	)	

**ORDER ESTABLISHING A PROCEDURAL SCHEDULE**

Issue Date: March 27, 2013

Effective Date: March 27, 2013

AG Processing, Inc. ("AGP") and KCP&L Greater Missouri Operations Company ("GMO") have both filed proposed procedural schedules. The schedules are substantially similar; however, AGP filed an alternative schedule for File Number HC-2010-0235, which was unnecessary because that file has been consolidated with this file.

This order will establish one procedural schedule for the consolidated cases and will modify the schedule requested as indicated. Other procedural matters are also delineated. Testimony has already been admitted into the record for File Number HC-2010-0235. The parties do not have to re-file any testimony already admitted, but will be given deadlines for pre-filing any additional testimony they believe is relevant to deciding this matter. The parties have pre-filed testimony in File Number HC-2012-0259, none of which has yet been admitted. Again, this testimony does not have to be re-filed, but the parties will be given

deadlines for pre-filing any additional testimony they believe is relevant to deciding this matter.

**THE COMMISSION ORDERS THAT:**

1. An evidentiary hearing is scheduled for September 9-11, 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.

2. 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 10 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. The Regulatory Law Judge is delegated authority to decide all discovery disputes and rule upon motions to compel discovery.

3. 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.

4. The following procedural schedule is established and applies to consolidated Files HC-2010-0235 and HC-2012-0259:

<b>Additional Direct Testimony: AGP</b>	<b>- May 15, 2013</b>
<b>Additional Rebuttal Testimony: GMO</b>	<b>- June 14, 2013</b>
<b>Additional Surrebuttal Testimony: All Parties</b>	<b>- July 15, 2013</b>
<b>Last Day to Serve Discovery Requests</b>	<b>- July 24, 2013</b>

<b>Issues List, Witnesses List, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements</b>	- July 29, 2013
<b>Joint Stipulation of Non-Disputed Material Facts</b>	- August 5, 2013
<b>Position Statements</b>	- August 12, 2013
<b>Evidentiary Hearing</b>	- September 9-11, 2013 beginning at 8:30 a.m.
<b>Transcript</b>	- September 23, 2013
<b>Proposed Findings of Fact<sup>1</sup> and Proposed Conclusions of Law</b>	- October 21, 2013
<b>Reply Briefs</b>	- October 31, 2013

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

A. Data Requests:

- i.) 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.
- ii.) 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.
- 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.) 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.

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<sup>1</sup> All proposed findings of fact shall include appropriate citation to the record for the relevant evidence supporting that finding. Any proposed finding of fact without appropriate citation shall be disregarded.

- v.) Data Requests served after 5:00 p.m. shall be considered served on the next business day.
  - vi.) 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.
  - vii.) 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.
  - viii.) Data Request responses shall be served electronically, if feasible.
  - ix.) 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.
  - x.) 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 any witness' 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.) AGP Exhibit No. 1, AGP Exhibit No. 2, AGP Exhibit No. 3, etc.
  - b.) GMO Exhibit No. 1, GMO Exhibit No. 2, GMO Exhibit No. 3, etc.

- c.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
  - d.) 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.
6. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Shelley Brueggemann  
Acting Secretary

R. Kenney, Chm., Jarrett, Stoll, and  
W. Kenney, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge