

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

Ag Processing, Inc., a Cooperative,)	
)	
Complainant,)	
)	
v.)	<u>File No. HC-2010-0235</u>
)	
KCP&L Greater Missouri Operations)	
Company,)	
)	
Respondent.)	

**ORDER ADOPTING PROCEDURAL SCHEDULE
AND WAIVING CERTAIN PROCEDURAL RULES**

Issue Date: July 16, 2010

Effective Date: July 16, 2010

Ag Processing, a Cooperative, KCP&L Greater Missouri Operations Company, and the Staff of the Missouri Public Service Commission met in a prehearing conference on June 21, 2010, and, as directed by the Commission, filed a proposed procedural schedule on June 30, 2010. The Commission will adopt the schedule proposed.

The parties agreed to certain conditions, which they requested that the Commission include in its scheduling order. The Commission adopts these conditions and waives the requested procedural rules as requested. The conditions and waivers are as follows:

1. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel 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 shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it. Information provided electronically shall not be provided in a manner that restricts forwarding of that information.

2. Counsel for each party shall receive electronically from each other party, an electronic copy of the text of all data request “descriptions” served by that party on another party in the case contemporaneously with service of the request. 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 should request a copy of the response from the party answering the data request. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses will 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.
3. An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135.
4. Workpapers that were prepared in the course of developing a witness’ testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked.
5. 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, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.
6. For purposes of this case, the Staff requests the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission’s Electronic Filing and Information System (EFIS) as timely filed if filed no later than midnight on the date the filing is due.
7. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing, provided that such e-mail not be of such a nature that restricts it from being forwarded.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is adopted:

Direct testimony from Complainant	September 15, 2010
Testimony from Respondent	October 15, 2010
Rebuttal testimony from Complainant	October 29, 2010
List of issues, witnesses, order of witnesses, and order of cross-examination	November 5, 2010
Position statements	November 12, 2010
Evidentiary hearing	November 18-19, and 22, 2010 8:30 a.m. (first day)

The hearing shall be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate is requested to call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

2. The parties shall comply with the conditions agreed to in their proposed procedural schedule and listed on pages 1-2 of this order.
3. For the purposes of this case, the parties are granted a waiver of the procedural rules as requested and set out in the body of this order.

4. This order shall become effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', written over a horizontal line.

Steven C. Reed
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 16th day of July, 2010.