

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

In the Matter of Kansas City Power & Light)
Company's Request for Authority to)
Implement a General Rate Increase for)
Electric Service)

Case No. ER-2014-0370

**REQUEST FOR CLARIFICATION AND RECONSIDERATION
OF PARTS OF ORDER AMENDING PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Missouri Public Service Commission and respectfully requests the Commission to clarify and reconsider parts of its March 11, 2015, *Order Amending Procedural Schedule* as follows:

CLARIFICATION

1. Before the Commission amended the procedural schedule on March 11, 2015, the joint list and order of issues, as well as the list and order of witnesses, order of parties for cross-examination, order of opening statements, joint stipulation of non-disputed material facts, reconciliation for issues to be heard, were due on Tuesday, June 9, 2015, and position statements were due on Thursday, June 11, 2015.

2. After amending the procedural schedule on March 11, 2015, position statements are due on Monday, June 8, 2015, but the joint list and order of issues is still due on Thursday, June 11, 2015. Staff asks the Commission to clarify whether it intended that position statements be due before the list of issues. If that was not its intent, then Staff recommends that the Commission make the joint list of issues due on Friday, June 6, 2015, or, alternatively, contemporaneously with the position statements on Monday, June 8, 2015.

3. When it amended the procedural schedule on March 11, 2015, the Commission added a discovery cut-off date of Friday, June 5, 2015¹; however, in its December 12, 2014, *Order* where it originally set the procedural schedule it ordered, “The true-up period shall end May 31, 2015.” If the June 5, 2015, discovery cut-off date applies to discovery for true-up, then the parties will have virtually no opportunity to conduct discovery of the end of May 2015 information. While not ordered, in the procedural schedule a number of parties jointly proposed (including Missouri Public Service Commission Staff and Kansas City Power & Light Company) and the Commission largely adopted, they proposed Wednesday, June 17, 2015, as the date by which Kansas City Power & Light Company would provide true-up documentation to the other parties, *i.e.*, only information about the true-up period ending May 31, 2015, that was delivered by June 17, 2015, would be considered in the true-up. Staff asks the Commission to clarify whether it intended that the June 5, 2015, discovery cut-off to apply to the true-up in this case.

RECONSIDERATION

4. In developing the procedural schedule that Kansas City Power & Light Company; Staff; City of Kansas City, Missouri; Brightergy, LLC; Missouri Division of Energy; IBEW Unions; Laclede Gas Company; and Midwest Energy Consumers Group proposed on December 3, 2014, Staff started with the dates of the evidentiary hearing and then attempted to negotiate a schedule for filing direct, rebuttal and surrebuttal testimony that optimized among those filings the time needed to perform discovery and prepare the testimony for each in light of holidays, the update cutoff date and the true-up cut-off date. The Commission adopted that schedule on December 12, 2014,

¹“The last day that parties may issue any discovery requests or conduct a deposition shall be June 5, 2015.”

without altering those proposed testimony filing dates, or the proposed update and true-up cut-off dates.

5. By its order of March 11, 2015, moving the surrebuttal filing date from Friday June 5, 2015, to Friday, May 29, 2015, the Commission has truncated the schedule Staff negotiated, upsetting the balance Staff achieved, and put more hardship on the parties for preparing surrebuttal testimony than Staff would have negotiated with a May 29, 2015 surrebuttal filing date. As presently ordered there are 22 calendar days (including three weekends and one holiday) with 15 business days between when rebuttal and surrebuttal testimony is due, with discovery response times of 10 calendar days to respond and five business days to object or notify the requestor more time is needed to respond during that period. It will be virtually impossible for Staff, or any party, to conduct two rounds of data requests within the allotted 22 days, and a second round is nearly always needed to obtain clarification of the responses to the first.

6. Staff respectfully requests the Commission to reconsider moving the filing date for surrebuttal testimony from Friday, June 5, 2015, to Friday, May 29, 2015, in light of the foregoing.

7. Should the Commission reconsider its decision to move the date for filing surrebuttal testimony from Friday June 5, 2015, to Friday, May 29, 2015, and decide to move the surrebuttal testimony filing date back to Friday, June 5, 2015, without changing the newly imposed discovery cut-off date of Friday, June 5, 2015, then discovery pertaining to surrebuttal testimony will be precluded. For that circumstance, should it arise, Staff suggests the Commission consider changing the discovery cut-off date to Tuesday, June 9, 2015, to allow an additional four calendar days (two business

days) to allow the parties the opportunity to conduct at least one round of discovery concerning surrebuttal testimony. If the Commission reconsiders its decision to move the date for filing surrebuttal back to the June 5, 2015, date, the parties still will be able to file their position statements on the June 8, 2015, date the Commission has ordered.

WHEREFORE, the Staff of the Missouri Public Service Commission respectfully requests the Commission clarify and reconsider its March 11, 2015, *Order Amending Procedural Schedule* in the respects set forth above.

Respectfully submitted,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 17th day of March, 2015.

/s/ Nathan Williams