

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10th day of August, 2016.

In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service)	
)	<u>File No. ER-2016-0285</u>
)	Tariff No. YE-2017-0004
)	Tariff No. YE-2017-0005

**ORDER ADOPTING PROCEDURAL
SCHEDULE AND DELEGATING AUTHORITY**

Issue Date: August 10, 2016

Effective Date: August 10, 2016

On August 1, 2016, Kansas City Power & Light Company ("KCP&L"), the Commission's Staff ("Staff"), the Missouri Division of Energy, Brightergy, LLC, Earth Island Institute d/b/a Renew Missouri, Midwest Energy Consumers Group, and Union Electric Company d/b/a Ameren Missouri filed a proposed procedural schedule. Staff was unable to receive approval from all the parties; however, Staff states that it does not anticipate any objection to this schedule. The parties have also agreed upon certain procedural provisions that the Commission will incorporate into this order. The Commission will generally adopt the procedural schedule proposed by the proponents.

The proposed discovery schedule includes deadlines for the service of discovery requests and for the filing of motions to compel discovery. The schedule also provides for periodic discovery conferences at which the parties may obtain prompt resolution of any discovery disputes.

To ensure that such discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2000, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes raised at the discovery conference and to rule on all motions to compel discovery.

The Commission will address the scheduling of local public hearings in a subsequent order.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Discovery Conference	-	October 11, 2016¹
Discovery Conference	-	November 10, 2016
Staff Direct – Revenue Requirement	-	November 30, 2016
Local Public Hearings (locations and dates to be established by subsequent order)	-	December 2016
Staff Direct – Rate Design, CCOS	-	December 14, 2016
Discovery Conference	-	December 16, 2016
Preliminary Reconciliation (not filed)	-	December 20, 2016
Rebuttal – Revenue Requirement	-	December 30, 2016
End of true-up period	-	December 31, 2016
Preliminary Issues List (not filed)	-	January 13, 2017
Discovery Conference	-	January 17, 2017
Surrebuttal	-	January 27, 2017
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	January 31, 2017

¹ The requested date of October 10, 2016 is a state holiday.

Discovery Conference	-	February 1, 2017
Parties provide issues values	-	February 2, 2017
Position Statements	-	February 2, 2017
True-Up Information cut-off date	-	February 14, 2017
Hearing	-	February 6-10, 21-24, 2017, beginning each day at 8:30 a.m.
True-Up Direct	-	March 1, 2017
True-Up Rebuttal	-	March 10, 2017
True-Up Hearings²	-	March 16-17, 2017, beginning each day at 8:30 a.m.
Initial Post-Hearing Briefs	-	March 22, 2017
All parties file Reply/True-Up Briefs	-	April 4, 2017
Operation of Law Date	-	May 28, 2017

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

- (A) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, 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

²The last date that KCP&L must provide Staff and all other parties auditable accounting information related to all items to be trued-up is Tuesday, February 14, 2017. Except for an extraordinary or unusual event and upon reasonable notice given to all parties, no party may revise or change methods or methodologies for true-up issues from those it presented in evidence during the evidentiary hearing.

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 disputed issue.
- (D) 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 remaining unresolved issues that are to be decided by the Commission.
- (E) If part of testimony or documents are prefiled and served upon the parties before a 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 Presiding Officer, and counsel for each other party.
- (F) 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 (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(G) Public documents filed in EFIS shall be considered properly served by serving them on counsel of record for all other parties by e-mail. Highly confidential documents may be obtained from EFIS and need not be served via e-mail.

(H) Counsel for each party shall receive from each other party serving a data request, 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. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary 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 shall 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 by defined by Commission rule. In the case of KCP&L data request responses, KCP&L shall post its data request responses on its Case Works Extranet site for use by parties who wish to utilize it. Responses to data requests Staff issues shall be submitted in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible. KCP&L's responses to Staff data requests that are not filed in EFIS will be provided to Public Counsel and Midwest Energy Consumers Group at the same time and in the same format as they are provided to Staff. All data requests to Staff will be submitted in EFIS.

- (I) The parties shall make an effort to not include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (J) Until direct testimony is filed on November 30, 2016, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party that more than

twenty calendar days will be needed to provide the requested information. After November 30, 2016, until rebuttal testimony is filed on December 30, 2016, the response time for data requests shall be fifteen calendar days to provide the requested information and eight calendar days to object or notify the requesting party that more than fifteen calendar days will be needed to provide the requested information. After rebuttal testimony is filed on December 30, 2016, the response time for data requests shall be five business days to provide the requested information and three business days to object or notify the requesting party that more than five business days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to.

- (K) Data requests sent after 5:00 p.m. will be considered served on the next business day.
- (L) Workpapers prepared in the course of developing a witness' testimony (including schedules) shall not be filed with the Commission but shall be submitted to each party within two business days after the particular testimony is filed, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked. If there are no workpapers associated with

testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

- (M) 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 with formulas intact. With the exception of workpapers provided to Staff, KCP&L may provide workpapers by posting them on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Caseworks Extranet site. KCP&L shall provide its work papers to Staff in electronic format by e-mailing or by delivery of a compact disk or other electronic storage media.
- (N) 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.
- (O) 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.

- (P) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (Q) Any pending written discovery motion 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.
- (R) Compliance with Commission Rule 4 CSR 240-2.090'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.
- (S) With the exception of true-up discovery, all data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, shall be issued no later than January 27, 2017. With respect to deposing witnesses, depositions must be completed at least three business days before the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- (T) All motions to compel a response to any discovery request shall be filed no later than February 1, 2017.

(U) Data requests and responses thereto made by any party in the following Commission cases shall be treated as having been made in this case, subject to objections as to admissibility in evidence in this case: EA-2016-0145; EO-2016-0124; and EA-2015-0256.

3. The transcripts of the evidentiary hearing shall be expedited.

4. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. 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.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
and Rupp, CC., concur.
Coleman, C., absent.

Pridgin, Deputy Chief 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 10th day of August 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 10, 2016

File/Case No. ER-2016-0285

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

Sincerely,



**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.