

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

In the Matter of Kansas City Power & Light )  
Company’s Application for Approval of Demand- )  
Side Programs and for Authority to Establish a ) **File No. EO-2012-0008**  
Demand-Side Programs Investment Mechanism )

In the Matter of KCP&L Greater Missouri Operations )  
Company’s Application for Approval of Demand-Side )  
Programs and for Authority to Establish a Demand- ) **File No. EO-2012-0009**  
Side Programs Investment Mechanism )

**JOINTLY PROPOSED PROCEDURAL SCHEDULE**

**COME NOW** the Staff of the Missouri Public Service Commission (Staff), Kansas City Power & Light Company (KCP&L), KCP&L Greater Missouri Operations Company (GMO), the Missouri Department of Natural Resources, Union Electric Company d/b/a Ameren Missouri, Sierra Club, Earth Island Institute d/b/a Renew Missouri, National Resources Defense Council, Praxair, Inc., Southern Union Company, d/b/a Missouri Gas Energy, Sam’s East, Inc., Wal-Mart Stores East, Inc., and Sedalia Industrial Energy Users’ Association, known collectively herein as “the Parties,”<sup>1</sup> and hereby submit this *Jointly Proposed Procedural Schedule*. In support hereof, the Parties state as follows:

1. On December 22, 2011, both KCP&L and GMO filed applications for approval of demand-side programs and for authority to establish demand-side programs investment mechanisms (DSIM).

2. On December 23, 2011, the Commission issued an *Order Directing Notice And Establishing A Deadline For Filing Requests To Intervene* in each matter, setting a prehearing conference for each on January 17, 2012.

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<sup>1</sup> At the time of this filing, the Staff has not received consent to file on the behalf of the interveners United States Department of Energy, National Nuclear Security Administration, or the Federal Executive Agencies.

3. The above-named Parties appeared at the prehearing conferences and discussed proposed procedural schedules. As a result of the discussions, the Parties reached agreement on a proposed procedural schedule, which is reflected herein. For both matters, the Parties request that the Commission adopt the procedural schedule set forth in Attachment A, and also adopt the related procedural items agreed upon by the Parties reflected as follows:

(a) 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.

(b) 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.

(c) Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the “description” of that data request 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 must 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. If responding to a Staff data request, the responding party shall record the response in EFIS and send an email notification to Staff Counsel that such party has filed the response. For all other Parties, 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 defined by Commission rule.

(d) The response time for all data requests will be ten (10) calendar days to provide the requested information, and five (5) calendar days to object or notify

that more than ten (10) calendar 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, considering that the underlying data request has already been responded to.

(e) Workpapers prepared in the course of developing a witness' testimony shall not be filed with the Commission, but shall be submitted to each party within 2 business days following the filing of the particular testimony, 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 should so notify the other parties within the time period for providing those workpapers.

(f) 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.

(g) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

(h) For purposes of this case, the Parties request the Commission waive 4 CSR 240-2.080 (11) with respect to prefiled testimony, pleadings and briefs.

(i) Pursuant to 4 CSR 240-2.080 (9), the Commission treat prefiled testimony or other filings to be made in this case that are made in EFIS as timely filed if filed before midnight on the date the filing is due.

(j) The parties hereby request that the Commission provide for expedited transcripts of the evidentiary hearings.

4. Regarding the technical conferences scheduled throughout the procedural schedule, the Parties request that the Commission's order allow flexibility in the scheduling of these conferences. The times and dates are placed within the schedule as tentative, and the Parties request that the Commission's order reflect the ability for the Parties to determine mutually agreeable dates and times to conduct these conferences.

5. 4 CSR 240-20.094 (3) provides that "[t]he commission shall approve, approve

with modification acceptable to the electric utility, or reject such applications for approval of demand-side program plans within one hundred twenty (120) days of the filing of an application under this section...” 4 CSR 240-20.094 (9) allows the commission to grant variances from this rule for good cause shown.

6. As agreed upon by the parties, the proposed procedural schedule for both cases in Attachment A adds an additional sixty (60) days beyond the one hundred and twenty (120) days in the rule. The rule does not define good cause. Although without a precise definition in the law, good cause “...refers to a remedial purpose and is to be applied with discretion to prevent a manifest injustice or to avoid a threatened one.” *Bennett v. Bennett*, 938 S.W.2d 952, 957 (Mo. App. S.D. 1997).

7. The Parties assert that good cause exists for the Commission’s granting the additional sixty days (60) to allow one hundred and eighty (180) days for the procedural schedule in these cases because some parties<sup>2</sup> have only viewed the highly confidential parts of the Application after being granted intervention, more than thirty (30) days into the one hundred and twenty day (120) time frame. Additionally, certain parties allege that the Company’s Application requires more analysis due to the number of variances requested. The additional time to analyze the Application would serve a remedial purpose and allow the Parties to complete a thorough review and submit recommendations to the Commission.

**WHEREFORE**, the above-named Parties file this *Jointly Proposed Procedural Schedule* with the agreed-to schedule attached hereto and the procedures they request set forth herein, and request that the Commission enter an order adopting them for the cases above.

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<sup>2</sup> All parties except AG Processing Inc and MIEC (whose intervention requests were objected to by KCP&L and GMO) received the highly confidential portions of the testimony on or before January 18, 2012.

Missouri Public Service  
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Respectfully submitted,

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