

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

In the Matter of Kansas City Power & Light)
Company's Application for Authorization to)
Suspend Payment of Certain Solar Rebates) **File No. ET-2014-0071**

**MOTION TO MODIFY PROCEDURAL SCHEDULE
AND ADOPT DISCOVERY PROCEDURES**

COMES NOW Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and files on behalf of the "Parties" in this matter, i.e. Kansas City Power & Light Company (KCPL), the Office of the Public Counsel, Missouri Division of Energy, Brightergy, LLC, Missouri Solar Energy Industry Association, Earth Island Institute d/b/a Renew Missouri, Missouri Industrial Energy Consumers ("MIEC"), Union Electric Company d/b/a Ameren Missouri and KCP&L Greater Missouri Operations Company, their *Motion To Modify Procedural Schedule And Adopt Discovery Procedures*.

1. On September 11, 2013,¹ the Commission adopted KCPL's proposed procedural schedule that directed the Parties to file rebuttal testimony on September 23.

2. Staff responsible for preparing rebuttal testimony will be out of the office on a prearranged matter from September 16 through September 20. Staff has proposed a modification to the Parties to move the filing of rebuttal testimony for all Parties to September 24. No party objects to the modification.

3. Further, due to the expedited schedule of this matter, the Parties request the Commission expedite all transcripts and adopt the following discovery procedures in paragraphs four through nine below.

¹ All dates herein refer to calendar year 2013, unless otherwise specified.

4. Regarding the timing of data requests, objections and responses:

Response Time To Data Requests Regarding and After Direct Testimony Filing Up To Rebuttal and Cross-Rebuttal Testimony Filing: 7 calendar days response time with 5 calendar days to object and advise of need for more than 7 calendar days response time.

Response Time To Data Requests Regarding and After Rebuttal Testimony Filing Up To Surrebuttal and Cross-Surrebuttal Testimony Filing: 7 calendar days response time with 5 calendar days to object and advise of need for more than 7 calendar days response time.

Response Time To Data Requests Regarding and After Surrebuttal and Cross-Surrebuttal Testimony Filing: 5 calendar days response time with 3 calendar days to object and advise of need for more than 5 calendar days response time.

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. All Parties shall submit their responses to Staff data requests in the Commission's Electronic Filing Information System. If a Data Request has been responded to by KCPL through KCPL's Caseworks system, KCPL will provide another requesting Party access to Caseworks for their review. 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. If a Data Request has not yet been responded to by KCPL, KCPL will provide another

requesting Party access to Caseworks for their review when the response is provided to the Party that issued the underlying Data Request.

5. All Parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form, essentially contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

6. 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

7. 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. 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. Data Requests served after 5:00 p.m. shall be considered served on the next business day. 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. Thus, if a Party desires

a copy of a response by KCPL to a Staff-issued Data Request, the Party should ask KCPL, not the Staff, for a copy of the Data Request response unless there are appropriate reasons to direct the discovery to the Party originally requesting the material. 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. 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 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.

8. Workpapers that were prepared in the course of developing a witness' direct, rebuttal, cross-rebuttal, surrebuttal, or cross-surrebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each Party within one calendar day after the particular testimony is filed. 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. 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. Workpapers containing highly confidential or proprietary information shall be appropriately marked.

9. Where workpapers or 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 workpapers or responses shall provide such information in original format with formulas intact, if available.

WHEREFORE Staff, on behalf of the Parties, files the instant *Motion To Modify Procedural Schedule And Adopt Discovery Procedures* and requests that the Commission adopt the modification and procedures contained herein.

Respectfully submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

/s/Jennifer Hernandez

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was sent via electronic mail this 17th day of September 2013, to all counsel of record in this proceeding.

/s/Jennifer Hernandez