

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

In the Matter of the Application of NextEra)
Energy Transmission Southwest, LLC for a)
Certificate of Public Convenience and)
Necessity to Construct, Install, Own, Operate,)
Maintain, and Otherwise Control and Manage) File No. EA-2022-0234
a 345 kV Transmission Line and associated)
facilities in Barton and Jasper Counties,)
Missouri)

**UNOPPOSED MOTION FOR PROCEDURAL ORDER AND MOTION FOR
EXPEDITED TREATMENT**

COMES NOW NextEra Energy Transmission Southwest, LLC (“NEET Southwest”) and submits this Unopposed Motion for Procedural Order and Motion for Expedited Treatment to the Missouri Public Service Commission (“Commission”).

1. On July 7, 2022, NEET Southwest filed an Application and Direct Testimony in support of its request for a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a 345 kV transmission line and associated facilities in Barton and Jasper Counties, Missouri (the “Project”).

2. On July 12, 2022, the Commission issued a Corrected Order Directing Notice, Setting Deadlines for Intervention Requests, and Directing Staff Recommendation. The July 12 Order set a deadline of August 5, 2022 for applications to intervene and directed Commission Staff (“Staff”) to file, no later than August 25, 2022, either a recommendation regarding NEET Southwest’s Application or a status report advising when it expects to file a recommendation.

3. On August 8, 2022, NEET Southwest filed a Motion for Scheduling Conference, which included a proposed procedural schedule. As further detailed below, the Motion for Scheduling Conference is superseded and rendered moot by the present Unopposed Motion.

4. On August 16, 2022, the Commission granted intervention to Evergy Metro, Inc. and Evergy Missouri West, Inc. (together “Evergy”), Southwest Power Pool, Inc. (“SPP”), and The Empire District Electric Company d/b/a Liberty (“Liberty”). NEET Southwest, Staff, Evergy, SPP, Liberty, and the Office of the Public Counsel (“OPC”) are collectively referred to herein as the “Parties.”

5. On August 25, 2022, Staff filed a Request for Additional Time, asking that the Commission grant Staff an additional four weeks to file a recommendation, such that Staff’s recommendation would be due September 22, 2022.

6. On August 26, 2022, the Commission granted Staff’s request for an extension until September 22, 2022. In its Order Granting Extension, the Commission stated: “[t]he Commission also notes the motion of NEET Southwest for a Scheduling Conference. Although the Commission has yet to take up the motion, the parties do not need authorization to conduct their own scheduling conference.”

7. Since that time, the Parties have corresponded *via* email regarding a proposed procedural schedule, which will supersede and replace the procedural schedule proposed in NEET Southwest’s Motion for Scheduling Conference. As a result of that correspondence, all Parties have indicated that they support or do not oppose the adoption of the following procedural schedule:

Event	Proposed Date
Staff Report	September 22, 2022
Local Public Hearing	September 29, 2022 (virtual)
Intervenor Direct Testimony	October 6, 2022
NEET Southwest Rebuttal Testimony and Staff/Intervenor Cross-Answering Testimony	October 14, 2022

Last Day for Discovery Requests	October 21, 2022
List of Issues, List of Witnesses, and Order on Cross-Examination	October 25, 2022
Position Statements	October 28, 2022
Evidentiary Hearing	November 3-4, 2022
Initial Post-Hearing Briefs	November 18, 2022
Reply Post-Hearing Briefs	December 2, 2022
Requested Commission Order	December 28, 2022

8. The Parties agree it would be appropriate to hold a local public hearing *via* WebEx and telephone on September 29, 2022 and that notice of such local public hearing should be provided substantially in the form attached hereto as **Attachment A**. As indicated in **Attachment A**, the Parties propose that the Commission host a virtual question-and-answer session for the public followed by a formal comment hearing *via* WebEx video and telephone. Specifically, beginning at 6:00 p.m. CT, the Commission’s Public Policy and Outreach Department would conduct a question-and-answer session where representatives of NEET Southwest, Staff, and OPC will be available to answer questions that members of the public may have about the Project. Commissioners and the regulatory law judge would not attend the informal question and answer session. Immediately following the informal question and answer session, the Commissioners and the regulatory law judge would conduct a formal local public hearing to receive testimony or other evidence from members of the public who wish to be heard regarding the Project.

9. Additionally, if the forgoing procedural schedule is adopted, the Parties have agreed to expedite responses to all pending and future data requests in this proceeding, such that objections are due within seven (7) days after receipt of the data request and responses are due within fourteen (14) days after receipt of the data request. This is a modification to the standard deadlines set forth at 20 CSR 4240-2.090(2).

10. Finally, the Parties have agreed to the following procedural requirements:
- a. 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 file a list of the issues to be heard, the witnesses to appear on each day of the 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.
 - b. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues.
 - c. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, 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.
 - d. All data requests, subpoenas, or other discovery requests shall be issued no later than October 21, 2022. October 21, 2022 shall also be the last day by which a deposition may be taken.
 - e. Testimony or reports shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130.
 - f. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position concerning the remaining unresolved issues that are to be decided by the Commission.
 - g. 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.
 - h. Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
 - i. 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. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Regarding Staff-issued data requests, if the description contains confidential 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. 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.

- j. The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135 and the Protective Order issued in this case on August 1, 2022.
- k. Where 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.
- l. Exhibit number will be assigned by the Administrative Law Judge prior to hearing. Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public exhibit two would be marked as Exhibit 2, whereas the confidential exhibit two would be marked as Exhibit 2C.
- m. Each party shall prepare a list of its exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than November 2, 2022. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

11. NEET Southwest, with OPC's concurrence, further requests expedited treatment of this Unopposed Motion to accommodate the preparation and mailing of notices for the local public hearing, substantially in the form of **Attachment A**. NEET Southwest proposes to mail such

notices on or before September 19, 2022, which is ten (10) days before the proposed local public hearing. Accordingly, NEET Southwest requests that the Commission issue a Procedural Order by September 14, 2022. This Motion was filed as soon as it could have been after agreement amongst the Parties was reached. Further, since all Parties have indicated that they support or do not oppose this Motion, no Party will be prejudiced by granting this Motion on an expedited basis. Accordingly, expedited treatment is appropriate under 20 CSR 4240-2.080(14).

WHEREFORE, NEET Southwest respectfully requests the Commission grant this Unopposed Motion for a Procedural Order by September 14, 2022 and for any other relief deemed necessary and appropriate by the Commission for the processing of NEET Southwest's Application.

Respectfully submitted,

/s/ Andrew O. Schulte

Anne Callenbach MBN 56028

Andrew O. Schulte MBN 62194

Polsinelli PC

900 W. 48th Place, Suite 900

Kansas City, Missouri 64112

(816) 572-4754

acallenbach@polsinelli.com

aschulte@polsinelli.com

ATTORNEYS FOR NEXTERA ENERGY TRANSMISSION
SOUTHWEST, LLC

[September 19, 2022]

NAME
ADDRESS
ADDRESS

RE: Wolf Creek to Blackberry Transmission Line

Dear [Insert Name],

NextEra Energy Transmission Southwest, LLC (“NEET Southwest”) has filed an Application with the Missouri Public Service Commission (“PSC”) for a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a 345 kV transmission line and associated facilities in Barton and Jasper Counties, Missouri (the “Project”).

The Project is a part of the Wolf Creek to Blackberry Transmission Line project identified by the Southwest Power Pool (“SPP”) in its 2019 Integrated Transmission Planning Assessment as a project that was required to address multiple needs, and in particular, an economic need to increase the transmission capability and relieve transmission congestion from west to east within SPP. NEET Southwest obtained a certificate from the Kansas Corporation Commission (“KCC”) for the Kansas portion of the Wolf Creek to Blackberry Transmission Line project in Docket No. 22-NETE-419-COC and plans to seek siting authority in Kansas in a separate proceeding. Additional information about the Project can be found in the Application filed at the PSC in Case No. EA-2022-0234¹ and at the website established for the Wolf Creek to Blackberry Transmission Line project.²

The Application includes a specifically identified proposed route for the Project. You are receiving this notice of a local public hearing because public records show you own property located within 300 feet of the centerline of the proposed route.

On [September 29, 2022] at [6:00 p.m. CT], the PSC will host a virtual question-and-answer session for the public followed by a formal comment hearing via WebEx video and telephone. Beginning at [6:00 p.m. CT], the PSC’s Public Policy and Outreach Department will conduct a question and answer session where representatives of NEET Southwest, Commission Staff, and the Office of the Public Counsel will be available to answer questions you and other members of the public may have about the Project. PSC Commissioners and the regulatory law judge will not attend the informal question and answer session.

Immediately following the informal question and answer session, the PSC Commissioners and the regulatory law judge will conduct a formal local public hearing to receive testimony or other evidence from members of the public who wish to be heard on the Project. If you are not a party

¹ https://psc.mo.gov/General/Look%20Up%20Docket%20Files_

² <https://www.nexteraenergytransmission.com/subsidiaries/neetsw/projects/wolf-creek-blackberry.html>

to this case, you may testify or offer other evidence to the PSC Commissioners and the regulatory law judge at this formal local public hearing.

To facilitate an orderly hearing that can be preserved for the record, members of the public who wish to make comments to the Commission during the local public hearing should register by sending their first and last name to pscinfo@psc.mo.gov or by calling 1-800-392-4211 **by 5 pm the day before the hearing**.

To attend the local public hearing by telephone, at the time of the hearing call toll-free [Phone #], listen to the prompt and enter the meeting number [Meeting #] followed by # (pound/hashtag symbol). If prompted for a passcode, enter [Passcode].

To attend by video/internet, visit the website www.webex.com. You can also download the Cisco WebEx meetings application on your mobile device, laptop, desktop or tablet prior to the hearing and join the meeting at the hearing time by entering the corresponding meeting number and passcode listed above.

Additionally, a live audio web stream at the Commission's website, www.psc.mo.gov, will provide audio of the question and answer session and hearing. Anyone who does not intend to participate in the question-and-answer session or speak to the Commission during the hearing should listen via the web stream.

The formal local public hearing is an opportunity for members of the public to testify or present other evidence directly into the record that the PSC Commissioners review.

Anyone wishing to comment on, or inquire about, the Project may do so as follows:

Contact the Public Service Commission's Staff by

- (a) Telephone at 1-800-392-4211;
- (b) Writing to Public Service Commission Staff, P.O. Box 360, Jefferson City, Missouri 65102;
- (c) E-mail to pscinfo@psc.mo.gov, electronically (public comments only) at https://psc.mo.gov/General/Submit_Comments (please reference case number EA-2022-0234); or

Contact the Office of the Public Counsel by

- (a) Telephone at 573-751-4857 or toll-free at 866-922-2959;
- (b) Writing to the Office of the Public Counsel, P.O. Box 2230, Jefferson City, Missouri 65102, or
- (c) E-mail addressed to opcservice@opc.mo.gov.

Generally, parties can see comments, but making a comment does not make that comment evidence before the Commission.

The Commission will also conduct an evidentiary hearing at its offices in Jefferson City beginning [November 3, 2022], to receive evidence regarding NEET Southwest's application for a CCN for this transmission line project from the parties. This hearing is open for public attendance, except portions the Commission may close to protect the dissemination of nonpublic information to the public. This hearing will be held in a building that meet accessibility standards required by the Americans with Disabilities Act.

If additional accommodations are needed for someone who wishes to participate in either of these hearings, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties listed on the official service list by email, this 8th day of September, 2022.

/s/ Andrew O. Schulte _____
Attorney for NextEra Energy Transmission
Southwest, LLC