

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

Briarcliff Development Company)	
Complainant,)	
)	
v.)	File No. EC-2011-0383
)	
Kansas City Power & Light Company)	
Respondent.)	

JOINT PROCEDURAL PROPOSAL

COME NOW the Staff of the Missouri Public Service Commission (“Staff”), Briarcliff Development Company (“Briarcliff”) and Kansas City Power & Light (KCPL),¹ and jointly state as follows:

1. The signatory parties jointly propose the following procedural items:
 - a. That the procedural schedule in this matter be as follows:

Date	Event
September 8, 2011	Prefiled Direct Testimony
October 7, 2011	Prefiled Rebuttal Testimony
October 28, 2011	Prefiled Surrebuttal Testimony
November 3, 2011	Issues List, Order of Cross, & Order of Parties
November 8, 2011	Position Statements
November 10, 2011	Hearing

- b. The signatory parties propose the following procedures and request that these procedures be accepted by the Commission and reflected in the Commission’s Procedural Order setting filing dates among other things:
 - 1) 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. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

¹ The Office of the Public Counsel has indicated that it does not intend to actively participate in this case.

- 2) 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.
- 3) Counsel for each party shall receive electronically from each other party, an electronic copy of the text of all data request “descriptions” served by that party on another party in the case contemporaneously with service of the request. 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 – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary – thus, if a party wants a copy of a data request response by KCPL to a Staff 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, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list 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.
- 4) Until the filing of Direct, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After Direct filing, the response time for data requests shall be 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information.
- 5) Workpapers that were prepared in the course of developing a witness’ testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they

are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

- 6) 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 or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.
- 7) For purposes of this case, the Staff requests the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.
- 8) The Staff requests that documents filed in EFIS be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

WHEREFORE, the signatory parties submit their *Joint Procedural Proposal*, and respectfully request that the Commission order the procedural matters as set forth here-in.

Respectfully submitted,

BRIARCLIFF DEVELOPMENT

/s/ Jeremiah D. Finnegan

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 2nd day of August, 2011.

/s/ Sarah Kliethermes