

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

In the matter of The Empire District )  
Electric Company of Joplin, Missouri for )  
Authority to File Tariffs Increasing Rates )  
for Electric Service Provided to )  
Customers in the Missouri Service Area of )  
the Company. )

**File No. ER-2011-0004**

**JOINT PROPOSAL REGARDING CERTAIN PROCEDURAL MATTERS**

COME NOW The Empire District Electric Company (“Empire”), the Staff of the Missouri Public Service Commission (“Staff”), the Midwest Energy Users’ Association (MEUA), City of Joplin, Missouri (“Joplin”), the Office of the Public Counsel (“Public Counsel”), and the Missouri Department of Natural Resources (“DNR”), and jointly state as follows:

1. On July 7, 2010, Empire filed with the Missouri Public Service Commission (“Commission”) to indicate its intention to submit tariff sheets proposing to implement a general rate increase for electric service to customers in its Missouri service area.

2. On September 28, 2010, Empire submitted its tariff sheets proposing to implement a general rate increase for electric service to customers in its Missouri service area, in the amount of \$36,524,680, exclusive of applicable gross receipts, sales, franchise, or occupational fees or taxes.

3. Kansas City Power & Light Company (“KCPL”) is also a party to this case. KCPL is not a signatory to this procedural schedule proposal, but KCPL does not object to its adoption and approval by the Commission.

4. The signatory parties jointly propose the following procedural items:

- a. That the test year shall be the twelve months ending June 30, 2009, with an update through November 30, 2010 for known and measurable changes.<sup>1</sup> Notwithstanding the foregoing, any party may base its calculated revenues and billing determinants on a 12-month period more recent than the test year (the 12-month period ending June 30, 2009), provided that any 12-month period utilized be updated to the extent possible through November 30, 2010;
- b. At this time, the parties do not anticipate the need for a true-up in this case. The parties shall file any true-up recommendations concurrent with the filing of Revenue Requirement Rebuttal testimony;
- c. That the procedural schedule in this matter be as follows:

<b>Date</b>	<b>Event</b>
September 28, 2010	Empire's Direct Filing
November 1, 2010	Prehearing
February 23, 2011	Non-Empire Revenue Requirement Direct
March 16, 2011	Non-Empire Rate Design Direct
March 17, 2011	Revenue Requirement Settlement Conference
March 18, 2011	Revenue Requirement Settlement Conference
March 22, 2011	Local Public Hearing in Joplin (noon)
March 22, 2011	Local Public Hearing in Joplin (evening)
March 23, 2011	Local Public Hearing in Reeds Spring (noon)
March 28, 2011	Rate Design Settlement Conference
March 29, 2011	Rate Design Settlement Conference
March 30, 2011	Rate Design Settlement Conference
April 1, 2011	Revenue Requirement Rebuttal
April 18, 2011	Rate Design Rebuttal
April 22, 2011	Revenue Requirement Surrebuttal
May 6, 2011	Rate Design Surrebuttal; True-up Direct (If needed)
May 16, 2011	Issues List, Order of Cross, & Order of Parties
May 20, 2011	Position Statements, Reconciliation, & Stipulation of Non-Disputed Material Facts; True-up Rebuttal (If needed)
May 23, 2011	Hearing
May 24, 2011	Hearing
May 25, 2011	Hearing
May 26, 2011	Hearing

<sup>1</sup> In order to facilitate an earlier filing of the non-Empire Revenue Requirement and Rate Design Direct testimony than might otherwise be possible, the parties have agreed to use as a test year the twelve months ending June 30, 2009, as updated for known and measurable changes through November 30, 2010. In this regard, Empire and/or Staff may propose an adjustment for certain non-union payroll increases now expected to take effect in December 2010. If such an adjustment is proposed, the other parties reserve the right to address it in testimony and pleadings and may oppose its inclusion in rates, but the other parties agree that they will not oppose it on the basis that it does not take effect until December of 2010, a point in time beyond the test period, as updated.

May 27, 2011	Hearing
June 2, 2011	Hearing
June 3, 2011	Hearing
June 6, 2011	Reserved for True-up Hearing
June 7, 2011	Reserved for True-up Hearing
July 1, 2011	Initial Brief & Findings of Fact/Conclusions of Law
July 15, 2011	Reply Brief

- d. The signatory parties support Commission approval of the form of customer notice as attached as Appendix A.
- e. 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.
  - 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 Empire to a Staff data request, the party should ask Empire, 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 March 16, 2011, 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 March 16, 2011, 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 Proposal Regarding Certain Procedural Matters*, and respectfully request that the Commission order the procedural matters as set forth here-in.

Respectfully submitted,

THE EMPIRE DISTRICT ELECTRIC  
COMPANY

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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 15<sup>th</sup> day of November, 2010.

/s/ Sarah Kliethermes\_\_\_\_\_

## CUSTOMER NOTICE

On September 28 2010, The Empire District Electric Company filed revised electric service tariff sheets with the Missouri Public Service Commission (PSC) which would increase the Company's Missouri jurisdictional annual gross revenues by \$36.5 million or approximately 9.2 percent. For a residential customer using 1,000 kilowatt-hours of electricity a month, the proposed increase would be approximately \$13.62 each month.

The Company is also asking to continue the use of the Fuel Adjustment Clause (FAC) that was approved by the PSC in its last case. The continuation of the FAC will allow the Company to adjust customers' bills twice each year, on June 1<sup>st</sup> and December 1<sup>st</sup>, based on the varying costs of fuel used to generate electricity at the Company's generating units and electric energy the Company purchases on behalf of its customers.

Public hearings are scheduled on Empire's request. The public hearing will consist of two parts. During the first part representatives of the Company will explain their request to the public. The PSC staff and the Office of Public Counsel will also answer questions and may present their positions regarding the request. The second part is a formal hearing to assure that members of public have the opportunity to make their views on the request, service or billing issues known to the Commission.

Local public hearings have been set before the PSC as follows:

- At 12:00 pm\*, Tuesday, March 22, 2011, at Webster Hall, Missouri Southern State University, 3950 E. Newman Road, Joplin, Missouri.
- At 6:00 pm\*, Tuesday, March 22, 2011, at Webster Hall, Missouri Southern State University, 3950 E. Newman Road, Joplin, Missouri.
- At 12:00 pm\*, Wednesday, March 23, 2011, at the Tri-Lakes TCRC, University of Missouri Extension at Reeds Spring High School, ITV Room, 20277 State Highway 413 (in the South Wing of Reeds Spring High School), Reeds Spring, Missouri.

**\*A question-and-answer session will be held approximately one-half hour before the beginning of each hearing.**

If you wish to comment or secure information, you may contact the Office of the Public Counsel, P.O. Box 2230, Jefferson City, Missouri 65102, telephone (866) 922-2959, email [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) or the Missouri Public Service Commission, Post Office Box 360 Jefferson City, Missouri 65102, telephone 800-392-4211, email [pscinfo@psc.mo.gov](mailto:pscinfo@psc.mo.gov).

The Commission will also conduct an evidentiary hearing at its offices in Jefferson City during the weeks of (month) (day) through (month) (day), and (month) (day) through (month) (day), beginning at 8:30 a.m.

The hearings and local public hearings will be held in buildings that meet accessibility standards required by the Americans with Disabilities Act. If a customer needs additional accommodations to participate in 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.

**Appendix A**