

In the Matter of Great Plains Energy Incorporated for)
Approval of its Acquisition of Westar Energy, Inc.) Case No. EM-2017-0226

COMES NOW the Midwest Energy Consumer's Group ("MECG"), on behalf of the Missouri Industrial Electric Consumers ("MIEC"); the Missouri Joint Municipal Electric Utility Commission ("MJMEUC"); IBEW Local Union 412, 1464 and 1613; City of Independence; United States Department of Energy ("DOE"); Consumers' Council of Missouri; Laborers' International Union of North American; Renew Missouri and the Kansas Electric Power Cooperative, Inc. ("KEPCO") (collectively referred to as "Signatories")¹, pursuant to the Regulatory Law Judge's request at the March 2, 2017 procedural conference, and respectfully submit the following proposed procedural schedule:

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| Intervenor Rebuttal | April 3, 2017 (Monday) |
| GPE Surrebuttal / Intervenor Cross-Surrebuttal | April 14, 2017 (Friday) |
| List of Issues | April 18, 2017 (Tuesday) |
| Position Statements | April 21, 2017 (Friday) |
| Evidentiary Hearings | May 1-3 and 5 (Monday – Wednesday; Friday) |
| Simultaneous Briefs | May 12, 2017 (Friday) |

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2. Additionally, the parties jointly propose the Commission impose and grant the procedural requirements and relief that follow in its order that sets the procedural schedule for this case:

- (a) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
- (b) 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.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- (e) If part of testimony or documents are pre-filed and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not pre-filed and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- (f) 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.
- (g) 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.
- (h) 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. 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.

- (i) Responses to data requests Staff issues shall be submitted in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible. All data requests to Staff will be submitted in EFIS.
- (j) The parties shall make an effort to not include highly confidential or proprietary information in data requests. If highly confidential or proprietary information must be included in a data request, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (k) Given the expedited nature of this procedural schedule, the response time for all data requests shall be five (5) calendar days, with three (3) calendar days to object or notify the requesting party that more than five (5) 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.
- (l) Data requests sent after 5:00 p.m. will be considered served on the next business day.
- (m) Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (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 shall so notify the other parties within the time allowed for providing those workpapers.
- (n) 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.
- (o) Discovery conferences will be held at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, in

a room to be designated by the Commission. Each discovery conference will begin at 10:00 a.m.

- (p) Not less than two business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.
- (q) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (r) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- (s) The parties are relieved from complying with the requirement of Commission Rule 4 CSR 2.090 for a telephone conference with the presiding officer before filing a discovery motion.
- (t) With respect to deposing witnesses, depositions must be completed at least three (3) business days prior to the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- (u) All motions to compel a response to any discovery request shall be filed no later than April 24, 2017.

WHEREFORE, the Signatories respectfully request that the Commission issue its order adopting the proposed procedural schedule.

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST ENERGY
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall", written in a cursive style.

David L. Woodsmall

Dated: March 6, 2017