

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 8th day of December 2022.

In the Matter of the Application of Evergy)
Missouri West, Inc. d/b/a Evergy Missouri)
West for Permission and Approval of a)
Certificate of Public Convenience and)
Necessity Authorizing It to Purchase, Own,)
Operate, Maintain and Otherwise Control)
and Manage an Existing Wind Generation)
Facility in Oklahoma)

File No. EA-2022-0328

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: December 8, 2022

Effective Date: December 8, 2022

On August 18, 2022, Evergy Missouri West (EMW), Inc. filed an application with the Commission seeking an order granting a Certificate of Convenience and Necessity (CCN) pursuant to Sections 393.170.2 and 393.190.1, RSMo, and Commission Rule 20 CSR 4240-20.045. The requested CCN would authorize EMW to operate, manage, maintain, and control an existing and operational wind generation facility in Woodward, Ellis, and Dewey Counties (near the town of Vici) in Oklahoma known as Persimmon Creek Wind Farm.

On November 23, 2022, the Staff of the Commission (Staff) filed a motion to adopt a proposed procedural schedule in lieu of filing a recommendation. Staff stated that EMW was in agreement with its proposal. On November 29, 2022, EMW filed a separate response indicating its agreement with Staff's proposal. The first proposed procedural date of December 9, 2022, for Supplemental Direct Testimony was set by Commission order dated December 1, 2022.

The Commission has considered the remaining procedural dates and procedures proposed by Staff and will adopt them with the exception of the hearing dates. The Commission will set different hearing dates and, since those dates shorten the time between the hearing and the filing of initial briefs, the Commission will expedite the filing of transcripts.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Supplemental Direct Testimony	-	December 9, 2022
Staff Report/Rebuttal Testimony	-	January 17, 2023
Simultaneous Surrebuttal Testimony	-	January 31, 2023
Final Day for Submitting Discovery/ Requesting Depositions	-	February 2, 2023
List of Issues, List of Witnesses, and Order of Cross-Examination	-	February 9, 2023
Position Statements	-	February 13, 2023
Pre-Filed Exhibit Lists Filed	-	February 17, 2023
Evidentiary Hearing	-	February 21-22, 2023
Initial Post-Hearing Briefs	-	March 3, 2023
Reply Briefs	-	March 17, 2023

2. The Commission will hold an evidentiary hearing on February 21-22, 2023. The hearing will begin at 9:00 a.m. on February 21, 2023. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional

accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The parties shall comply with the following procedural requirements:

(a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 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 Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.

(c) Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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 testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit at the hearing. If not prefiled 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 Commissioner, 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. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

(h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the 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 data requests issued via EFIS, 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, thereby providing the responding party the opportunity to object. 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. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, 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) 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.

(j) Until EMW supplemental direct testimony is filed on December 9, 2022, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After December 9, 2022, the response time for data requests shall be ten (10) business days to provide the requested information and five (5) business days to object or notify the requesting party that more than ten (10) business 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.

(k) 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 confidential 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.

(l) 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.

(m) Any party may request a discovery conference by motion. Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 2:00 p.m.

(n) Not less than three business days before the date set by the Commission for a 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.

(o) Discovery conferences shall be on the record and will be transcribed by a court reporter if requested by the parties.

(p) 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.

(q) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

(r) Exhibit numbers are assigned as follows:

EMW	1-99
Staff	100-199
Office of the Public Counsel	200-299
Renew Missouri Advocates	300-399

(s) Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public Exhibit 2 would be marked as Exhibit 2, whereas the confidential version of Exhibit 2 would be marked as Exhibit 2C.

(t) Each party shall prepare a list of its pre-filed, pre-marked exhibits and file a copy of that list in the EFIS 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.

4. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Dippell, Deputy Chief Regulatory Law Judge


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 8th day of December, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 8, 2022

File/Case No. EA-2022-0328

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Evergy Missouri West

Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri West

Jacqueline Whipple
4520 Main Street, Ste. 1100
Kansas City, MO 64111
jacqueline.whipple@dentons.com

Evergy Missouri West

Karl Zobrist
4520 Main Street, Suite 1100
Kansas City, MO 64111
karl.zobrist@dentons.com

**Missouri Public Service
Commission**

Don Cosper
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Don.Cosper@psc.mo.gov

Renew Missouri

Alissa Greenwald
P.O. Box 413071
Kansas City, MO 64141
alissa@renewmo.org

Renew Missouri

Andrew J Linhares
3115 S. Grand Ave
Suite 600
St. Louis, MO 63118
Andrew@renewmo.org

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.