

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 14<sup>th</sup> day of September, 2022.

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 a 345 kV Transmission Line )  
and associated facilities in Barton and )  
Jasper Counties, Missouri )

**File No. EA-2022-0234**

**ORDER SETTING PROCEDURAL SCHEDULE**

Issue Date: September 14, 2022

Effective Date: September 14, 2022

On July 7, 2022, NextEra Energy Transmission Southwest, LLC (NEET Southwest) filed an application (Application) for a certificate of convenience and necessity (CCN) regarding a 345 kV transmission line. The Commission, in granting an extension of time, directed the Staff of the Commission (Staff) to provide its recommendation on or before September 22, 2022. Staff has not yet filed its recommendation.

Nevertheless, NEET Southwest requested the setting of a procedural schedule, first on August 8, 2022, and pertinent to this order, again on September 8, 2022. In its motion filed on September 8, 2022, NEET Southwest supersedes its prior motion, and adds the consent of the other parties to its request for a procedural schedule.<sup>1</sup> While the

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<sup>1</sup> NEET Southwest, Staff, the Office of the Public Counsel (OPC), 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 are the parties to this file.

Commission prefers to have a defined dispute before setting a procedural schedule, as the parties have unanimously agreed, the Commission will adopt the proposed schedule.

The parties have also proposed a virtual local public hearing to be held on Thursday, September 29, 2022, beginning at 6:00 p.m. The Commission finds the date and time to be reasonable, and will order the public hearing scheduled as proposed.

The parties proposed language to be included in customer notices regarding the virtual public hearing. The Commission will direct that the notice language be updated to include the WebEx access code and password for customer participation, which are provided in this order. The Commission also finds the proposed language reasonable and will order its use without change except as described in this paragraph.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

September 22, 2022	Staff Report
September 29, 2022	Virtual Local Public Hearing (WebEx)
October 6, 2022	Intervenor Direct Testimony
October 14, 2022	NEET Southwest Rebuttal Testimony and Staff/Intervenor Cross-Answering Testimony
October 21, 2022	Last Day for Discovery Requests
October 25, 2022	List of Issues; List of Witnesses; Order of Cross-Examination; and Order of Opening Statements
October 28, 2022	Statements of Position
November 3-4, 2022	Evidentiary Hearing
November 18, 2022	Initial Briefs
December 2, 2022	Reply Briefs

2. A virtual public hearing shall be held on Thursday, September 29, 2022, beginning at 6:00 p.m. The hearing shall be held via WebEx, a telecommunications application and website that allows for call-in participation by telephone as well as video-call access via computer and smart-phone.

- (a) To attend the hearing by telephone, at the time of the hearing call toll free 1-855-718-6621, listen to the prompt and enter the meeting number, **2455 291 0125**, followed by # (pound/hashtag symbol). If prompted for a password, enter **0234**.
- (b) To attend by video/internet visit the website at [www.webex.com](http://www.webex.com) or download the Cisco WebEx Meetings application, using the access code, **2455 291 0125**, and password **0234**.
- (c) To facilitate an orderly presentation that can be preserved for the record, members of the public who wish to participate in the hearing are requested to register by sending their first and last name, phone number, and email address to [pscinfo@psc.mo.gov](mailto:pscinfo@psc.mo.gov), or by calling (800) 392-4211 by 5:00 p.m. the day before the hearing.
- (d) A live audio web stream at the Commission's website, [www.psc.mo.gov](http://www.psc.mo.gov), will provide audio of the hearing. Those who do not intend to participate in the hearing are recommended to listen via the web stream.
- (e) The Commission's Public Policy and Outreach Department shall make an informal presentation and conduct a question-and-answer session for the public at the beginning of the virtual public hearing. Public testimony will begin at the conclusion of the question and answer session.
- (f) NEET Southwest, Staff, and OPC shall make a representative available to address substantive issues during the question-and-answer sessions.
- (g) Any other party, at its discretion, may make a representative available to address substantive issues during the question and answer session.

- (h) No later than ten days before the virtual public hearing, NEET Southwest shall provide notice of the hearing. Such notice shall be substantially in the form of Attachment A to the September 8 motion of NEET Southwest, with the addition of meeting access information supplied in this order.
- (i) Any persons needing an accommodation to participate in the virtual local public hearing should call the Public Service Commission's Hotline at 800-392-4211 (voice), TDD Hotline 800-829-7541, or Relay Missouri at 711 before the hearing.
- (j) Comments may also be submitted to the Commission in writing by mail to the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, or electronically using the Commission's electronic filing system at [https://psc.mo.gov/General/Submit\\_Comments](https://psc.mo.gov/General/Submit_Comments). When submitting comments please reference File No. EA-2022-0234 for comments concerning NEET Southwest's Application for a Transmission Line.
- (k) The Commission's Public Policy and Outreach Department shall make a copy of this order available to the members of the media and to the members of the General Assembly representing Barton and Jasper Counties, Missouri.

3. The Commission shall hold an evidentiary hearing on November 3-4, 2022. The hearing shall begin at 9:00 a.m. on November 3. The hearing shall 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 an accommodation to participate in this hearing, please call the Public Service Commission's Hotline at 800-392-4211 (voice), TDD Hotline 800-829-7541, or Relay Missouri at 711 before the hearing.

4. The parties have agreed to the following procedures:

- (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 not requiring resolution by the Commission.

- (b) 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. 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) 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.

5. Exhibit numbers are assigned as follows:

1-99	NEET Southwest
100-199	Staff
200-299	OPC
300-399	Evergy
400-499	SPP
500-599	Liberty

- (a) If any party requires additional exhibit numbers, it may add 1000 to its assigned number list and start over. For example, if OPC has exhibits in addition to exhibit number 299, its next exhibit numbers would be 1200, 1201, 1202, etc.
- (b) 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 version of exhibit two would be marked as Exhibit 2C.
- (c) 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 for marking as an exhibit. 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 to each of the Commissioners, the presiding officer, and counsel for each other party.

6. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Hatcher, Senior 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 14<sup>th</sup> day of September, 2022.**



  
**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**September 14, 2022**

**File/Case No. EA-2022-0234**

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

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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