

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of KCP&L Greater Missouri Operations ) File No. ER-2016-0156  
Company's Request for Authority to Implement a )  
General Rate Increase for Electric Service ) Tracking No. YE-2016-0223

## ORDER GOVERNING DISCOVERY

Issue Date: April 4, 2016

Effective Date: April 4, 2016

The Missouri Public Service Commission is setting forth provisions governing discovery. KCP&L Greater Missouri Operations Company filed a proposed order on behalf of, or with no objection from, all parties ("motion").<sup>1</sup> The Commission incorporates the motion's language as follows and will set forth further provisions, governing the schedule for discovery, by separate order after Commission discussion at an open meeting convened pursuant to a published agenda.

### THE COMMISSION ORDERS THAT:

1. The following provisions govern discovery:
  - a. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel of record 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.

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<sup>1</sup> Electronic Filing Information System No. 81 (March 31, 2016) *Proposed Procedural Schedule*.

- b. 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.
- c. Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. 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 GMO to a Staff data request, the party should ask GMO, 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. 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. 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. GMO will post its data request responses on CaseworksEX, where other parties who complete the requirements for accessing the CaseWorksEX system may retrieve them.

- d. For data requests issued prior to the Order Establishing Procedural Schedule, 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. For data requests issued after the issuance of the Order Establishing Procedural Schedule, and before the filing of Rebuttal testimony, the response time for data requests shall be 15 calendar days to provide the requested information, and 10 business days to object or notify that more than 15 calendar days will be needed to provide the requested information. For

data requests issued after the filing of Rebuttal testimony and before the filing of Surrebuttal testimony, the response time for data requests shall be 10 business 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. For data requests issued after the filing of Surrebuttal testimony, the response time for data requests shall be 5 business days to provide the requested information, and 2 business days to object or notify that more than 5 business days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day.

- e. 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.

- f. 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 with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- g. Data requests and data request responses in File Nos. EO-2014-0043 and ER-2014-0370 may be used in this case, File No. ER-2016-0156. However, the parties reserve the right to object to the relevance or admissibility of any data request response from these cases.

2. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4<sup>th</sup> day of April, 2016.