

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 20th day of June, 2018.

In the Matter of a Proceeding Under)
Section 393.137 (SB 564) to Adjust the)
Electric Rates of The Empire District)
Electric Company)

File No. ER-2018-0366

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: June 20, 2018

Effective Date: June 20, 2018

The Commission opened this case on June 6, 2018, to adjust the electric rates of The Empire District Electric Company pursuant to Section 393.137 of Missouri's statutes, passed as part of Senate Bill 564 during the second regular session of the 99th General Assembly. That statute gives the Commission one-time authority to order an adjustment to the electric rates of an electrical corporation in light of the recently enacted Tax Cuts and Jobs Act of 2017. On June 15, following a procedural conference held on June 14, the parties filed a Joint Proposed Procedural Schedule

The Commission will adopt the proposed procedural schedule.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

(Before July 11, 2018, the response time for all data requests shall be five business days with two business days to object or notify the requesting party that more than five business days will be needed to provide the requested information. On and after July 11, the response time for all data requests shall be three business days, with two business days to object or notify the requesting party that more than three business days will be needed to provide the requested information.)

Deadline to File Any Motion to Dismiss	-	June 25, 2018
Direct Testimony by Empire	-	June 25, 2018
Technical/Settlement Conference¹	-	July 2, 2018
Any Responses to Any Motion to Dismiss	-	July 5, 2018
Direct and Rebuttal Testimony or Both by Non-Empire Parties	-	July 11, 2018
Any Replies to Responses to any Motion to Dismiss	-	July 12, 2018
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	July 16, 2018
Statements of Position	-	July 17, 2018
Hearing and Oral Argument	-	July 20 and 23, 2018, beginning at 8:30 a.m. on both days
Post-Hearing Briefs	-	July 30, 2018

Rebuttal testimony responsive to written testimony filed on July 11, and surrebuttal testimony responsive to written rebuttal testimony filed on July 11, may be offered as live testimony at the evidentiary hearing. That means there may be witnesses at the hearing in addition to those who offer pre-filed written testimony.

2. The parties shall comply with the following procedural requirements:
 - (A) Except for rebuttal and surrebuttal testimony offered live at the hearing, testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

¹ The technical/settlement conference will be arranged by the parties and will not be on-the-record.

- (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, the parties shall agree upon and Staff shall 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, the order of cross-examination for each witness, and the order in which opening statements will be offered. 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. Position Statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
- (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 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. 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) Copies of all data requests, subpoenas, and other discovery requests shall, on the day of issuance, be sent by email to all counsel of record for all parties (except for data requests to or from Staff, which are filed in EFIS)
- (G) Data requests served (or entered in EFIS, for Staff) before 5:00 p.m. Central on any date shall be deemed issued on that date. Data requests served (or entered in EFIS, for Staff) at or after 5:00 p.m. Central on any date shall be deemed issued on the following date.
- H) Before July 11, the response time for all data requests shall be five business days, with two business days to object or notify the requesting party that more than five business days will be needed to provide the requested information. On and after July 11, the response time for all data requests shall be three business days, with two business days to object or notify the requesting party that more than three business days will be needed to provide the requested information
- (I) All data requests, subpoenas, or other discovery requests shall be issued no later than July 16, 2018. With respect to deposing a witness, depositions must be completed by July 16, 2018.

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 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.

4. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and
Silvey, CC., concur.

Woodruff, Chief Regulatory Law Judge

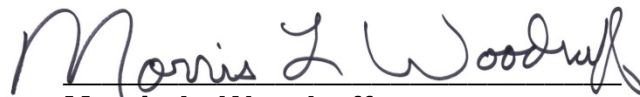
STATE OF MISSOURI

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 20th day of June 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 20, 2018

File/Case No. ER-2018-0366

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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**

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