

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Staff of the Missouri Public Service Commission)	
)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2015-0309</u>
)	
Kansas City Power & Light Company)	
)	
And)	
)	
KCP&L Greater Missouri Operations Company)	
)	
)	
Respondents.)	

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: July 28, 2015

Effective Date: July 28, 2015

On July 27, 2015, the Staff of the Commission, the Office of the Public Counsel, Kansas City Power & Light Company, and KCP&L Greater Missouri Operations Company jointly filed a proposed procedural schedule to resolve Staff's complaint. After reviewing that proposed procedural schedule to Commission finds it to be generally reasonable. The Commission will slightly adjust the agreed-upon dates for the filing of the list of issues and statements of position, to allow more time for the Commission to review those filings before the start of the evidentiary hearing. The parties have also agreed upon certain procedural provisions that the Commission will incorporate into this order.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Direct Testimony - **August 21, 2015**

Rebuttal Testimony - **November 19, 2015**

Data request response times change To ten calendar days to respond and Five business days to object or Request more time to respond	- November 19, 2015
Surrebuttal/Cross Surrebuttal Testimony	- December 18, 2015
Data request response times change To five calendar days to respond and Three business days to object or Request more time to respond	- December 18, 2015
Last Day to Request Discovery	- December 30, 2015
List of Issues	- January 6, 2016
Statements of Position	- January 11, 2016
Hearing	- January 19-21, 2016, beginning each day at 8:30 a.m.
Initial Post-Hearing Briefs	- February 11, 2016
Reply Post-Hearing Briefs	- February 25, 2016

2. The parties shall comply with the following procedural requirements:
 - (A) 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.
 - (B) 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, 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) All parties shall bring enough copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, a copy for each Commissioner, the Presiding Judge, and all counsel.
- (F) All parties shall provide copies of testimony (including schedules),¹ 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 are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (G) Parties shall try to not include highly confidential or proprietary information in data request questions. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information will be appropriately designated as such pursuant to 4 CSR 240-2.135.

¹ The source/support for a witness' testimony/report should be identified in the witness' testimony/report by citation or inclusion of the source/support. Examples of source/support for a witness' testimony/report are a document, a workpaper, or the response to a data request.

(H) 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 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. KCP&L's responses to Staff data requests will be available to other parties on EFIS. KCP&L's responses to all parties' data requests will be available for review on CaseWorksEX for parties who complete the requirements for accessing the CaseWorksEX system.

- (I) Until the filing of Rebuttal testimony, 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. After the filing of Rebuttal testimony and before the filing of Surrebuttal testimony, the response time for data requests shall be 10 calendar 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. 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 calendar 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. The Commission may rule on discovery motions filed after Surrebuttal testimony is filed without holding the conference required by 4 CSR 240-2.090(8)(B).
- (J) 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 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. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.
- (K) 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.

- (L) 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 (except that, with the exception of responses to Staff, responses will not be needed for KCP&L's data request responses posted on CaseWorksEX).
- (M) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.
- (N) Data requests submitted to KCP&L regarding the Allconnect Direct Transfer Service Agreement, and data request answers provided in response to these Staff data requests in File No. EW-2013-0011 or EO-2014-0306 may be used in EC-2015-0309 and are subject to 4 CSR 240-2.090(2)(F).

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 style with a large, stylized "M" and "W".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of July, 2015.