

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Briarcliff Development Company, a Missouri,)
Corporation,)

Complainant,)

v.)

Kansas City Power and Light Company,)

Respondent.)

File No. EC-2011-0383

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: August 3, 2011

Effective Date: August 3, 2011

On August 2, 2011, the parties filed a jointly proposed procedural schedule. The Commission will adopt that schedule with modifications. This order also addresses specific procedural guidelines the parties have agreed to, and additional guidelines for the filing of testimony and exhibits.

THE COMMISSION ORDERS THAT:

1. An evidentiary hearing is scheduled for November 10, 2011, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

2. Discovery conferences, scheduled for September 29, 2011 and October 20, 2011, will be held, beginning at 9:00 a.m., in Room 305, of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Discovery conferences may be waived by the

parties. Waiver of the conference constitutes a waiver of any discovery dispute as of the date set for the conference.

3. All hearings and conferences set in this order will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. The following procedural schedule is established:

Pre-Filed Direct Testimony	- September 8, 2011
Discovery Conference	- September 29, 2011
Pre-Filed Rebuttal Testimony	- October 7, 2011
Last Day to Serve Discovery Requests	- October 14, 2011
Discovery Conference	- October 20, 2011
Prefiled Surrebuttal Testimony	- October 28, 2011
Issues List, Witnesses List, Order of Witnesses, Order of Opening Statements	- November 3, 2011
Joint Stipulation of Non-Disputed Material Facts	- November 7, 2011
Position Statements	- November 7, 2011
Evidentiary Hearing	- November 10, 2011 beginning at 8:30 a.m.
Expedited Transcript	- November 14, 2011
Simultaneous Post-Hearing Briefs	- December 5, 2011
Proposed Findings of Fact and Conclusions of Law	- December 7, 2011

5. The parties shall comply with the following additional procedural requirements:

- A. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form contemporaneously 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.
- B. 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.
- C. 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 KCPL to a Staff data request, the party should ask KCPL, 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.
- D. 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.
- E. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- F. 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 be voluminous as defined by Commission rule.
- G. Until the filing of Direct 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.

- H. After Direct testimony is filed, 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.
- I. All data requests and responses are subject to the discovery cutoff date provided in this schedule. No exceptions will be made without the approval of the Regulatory Law Judge.
- J. 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.
- K. Counsel shall undertake to advise other counsel if a sponsored witness has no workpapers related to their testimony.
- 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 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.
- M. The Commission waives 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and will treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.
- N. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail contemporaneously with the EFIS filing.
- O. 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.

- P. 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 party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- Q. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- R. 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 unresolved issues that the parties believe require decision by the Commission.
- S. All parties shall bring an adequate number of 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, copies for the five Commissioners, the Presiding Judge, and all counsel.
- T. The parties shall pre-number their hearing exhibits sequentially with individual party designation as follows:
 - a.) Briarcliff Exhibit No. 1, Briarcliff Exhibit No. 2, Briarcliff Exhibit No. 3, etc.
 - b.) KCPL Exhibit No. 1, KCPL Exhibit No. 2, KCPL Exhibit No. 3, etc.
 - c.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
 - d.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- U. Each party shall prepare a comprehensive exhibit list before the evidentiary hearing with the listed exhibits numbered sequentially as directed in paragraph T. Copies of the exhibit lists shall be provided to the Commissioners, the Regulatory Law Judge and the Court Reporter at the beginning of the hearing.
- V. In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

15. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 3rd day of August, 2011.