

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Evergy)
Missouri West, Inc. d/b/a Evergy Missouri)
West for Permission and Approval of a)
Certificate of Public Convenience and)
Necessity Authorizing It to Purchase, Own,)
Operate, Maintain and Otherwise Control)
and Manage an Existing Wind Generation)
Facility in Oklahoma)

File No. EA-2022-0328

**STAFF’S MOTION TO ADOPT PROCEDURAL SCHEDULE
IN LIEU OF STAFF RECOMMENDATION**

COMES NOW, the Staff of the Missouri Public Service Commission (“Staff”), and for its proposed procedural schedule states:

1. On September 27, 2022, Staff filed its status report indicating that it expected to file its recommendation no later than November 18, 2022.
2. On November 18, 2022, upon agreement with Staff, EMW filed its *Notice* to the Commission stating that no later than November 23, 2022, either a Staff Recommendation or a proposed procedural schedule will be filed for the Commission’s consideration. Pursuant to this agreement, Staff and EMW hereby submit the following Proposed Procedural Schedule:

EVENT	DATE
Supplemental Direct Testimony	December 9, 2022
Staff Report/Rebuttal Testimony	January 17, 2023
Simultaneous Surrebuttal Testimony	January 31, 2023
Final Day for Submitting Discovery/ Requesting Depositions	February 2, 2023

List of Issues, List of Witnesses, and Order of Cross-Examination	February 9, 2023
Position Statements	February 13, 2023
Evidentiary Hearing	February 15-16, 2023
Initial Post-Hearing Briefs	March 3, 2023
Reply Briefs	March 17, 2023
Proposed Order Date	April 6, 2023

4. Staff requests that the parties be required to comply with the following:

(a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.

(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 in this case, 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 not requiring resolution by the Commission.

(c) 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.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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 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 not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

(f) 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.

(g) Public documents filed in 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.

(h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the 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 data requests issued via EFIS, 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, thereby providing the responding party the opportunity to object. 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. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list.

Data request responses, other than responses to data requests in EFIS, 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.

(i) 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.

(j) Until EMW supplemental direct testimony is filed on December 9, 2022, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After December 9, 2022, the response time for data requests shall be ten (10) business days to provide the requested information and five (5) business days to object or notify the requesting party that more than ten (10) business days will be needed to provide the requested information. 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.

(k) 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 two (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 confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

(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, 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.

(m) Any party may request a discovery conference by motion. Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 2:00 p.m.

(n) Not less than three business days before the date set by the Commission for a discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal

motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.

(o) Discovery conferences shall be on the record and will be transcribed by a court reporter if requested by the parties.

(p) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(q) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

WHEREFORE, Staff urges the Commission to adopt the foregoing proposed procedural schedule and procedures; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Don Cosp

Don Cosp

Legal Counsel

Missouri Bar No. 73231

P.O. Box 360

Jefferson City, Mo 65102-0360

(573) 751-4140 (Telephone)

(573) 751-9285 (Facsimile)

don.cosp@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 23rd day of November, 2022.

/s/ Don Cospers