



August 13, 2014

Effective Date

3. The Parties agree to the following times to object to Data Requests, advising of need for additional time to response, and answer response times: 10 business days for response time to Data Requests, 5 business days to object and/or notify respecting the need for additional time.

4. If a Data Request has been responded to, a copy of such response shall be provided to another requesting party in the case, unless the responding party objects to providing the response to such requesting party. All parties in the case shall submit their responses to Staff-issued Data Requests in the Commission's Electronic Filing Information System ("EFIS"). If submission of responses to Staff-issued Data Request in EFIS is infeasible, then the parties shall submit to Staff responses in electronic format, on compact disc, or by other means agreed to by Staff counsel. If a Data Request has not yet been responded to, a copy of such response shall be provided to a requesting party in the case within the response time set for such underlying Data Request, unless the responding party objects to providing the response to such requesting party.

5. All parties in the case shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form, essentially contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). No party is required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

6. The parties in the case shall make an effort to not include highly confidential or proprietary information in Data Request questions. If highly confidential or proprietary information must be included in Data Request questions, the highly confidential or proprietary

information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

7. Each party serving a Data Request on another party shall provide an electronic copy of the text of the “description” of that Data Request to counsel for all other parties 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 a copy of the response to a Data Request that has been served on another party, the party desiring such copy shall request a copy of the response from the responding party. Thus, if a party desires a copy of a response by another party to a Staff-issued Data Request, the party desiring the copy should ask the party to which the request was issued, 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. 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 all 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 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.

8. Workpapers that were prepared in the course of developing a witness’ direct, rebuttal, surrebuttal, or cross-surrebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each party within one calendar day after the particular

testimony is filed. Workpapers, or a complete set of workpapers, need not be submitted to a party that has indicated it does not want to receive workpapers, or a complete set of workpapers. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked.

9. Where workpapers or Data Request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, the party providing the workpapers or responses shall provide such information in original format with formulas intact, if available.

10. Continental Cement, Wal-Mart Stores East, LP, and Sam's East, Inc., are not opposed to this proposed procedural schedule.

11. Staff has reviewed a draft of the proposed procedural schedule and has already filed concurrence with the Commission.

WHEREFORE, in response to the Commission's March 28, 2014, order, the Parties request that the Commission adopt the proposed procedural schedule.

Respectfully submitted,

BRYAN CAVE, LLP

By: /s/ Diana M. Vuylsteke  
Diana M. Vuylsteke, # 42419  
211 N. Broadway, Suite 3600  
Telephone: (314) 259-2543  
Facsimile: (314) 259-2020  
E-mail: [dmvuylsteke@bryancave.com](mailto:dmvuylsteke@bryancave.com)

Edward F. Downey, #28866  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65109  
Telephone: (573) 556-6622  
Facsimile: (573) 556-7442  
E-mail: [efdowney@bryancave.com](mailto:efdowney@bryancave.com)

Attorneys for **Complainants and the  
Missouri Industrial  
Energy Consumers**

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Lewis R. Mills, Jr.  
Lewis R. Mills, Jr. #35275  
Public Counsel  
PO Box 2230  
Jefferson City, MO 65102  
Telephone: (573) 751-1304  
Facsimile: (573) 751-5562  
E-mail: [lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

By: /s/ John B. Coffman  
John B. Coffman #36591  
871 Tuxedo Blvd.  
St. Louis, MO 63119  
Telephone: (573) 424-6779  
E-mail: [john@johncoffman.net](mailto:john@johncoffman.net)

Attorney for Consumers Council of  
Missouri

BLITZ, BARDGETT & DEUTSCH LC

By: /s/ Thomas R. Schwarz, Jr.  
Thomas R. Schwarz, Jr. #29645  
Stephanie S. Bell #61855  
308 East High Street  
Suite 301  
Jefferson City, MO 65101  
Telephone: (573) 634-2500  
Facsimile: (573) 634-3358  
E-mail: [tschwarz@bbdlc.com](mailto:tschwarz@bbdlc.com)  
[sbell@bbdlc.com](mailto:sbell@bbdlc.com)

By: /s/ Lisa C. Langeneckert  
Lisa C. Langeneckert #49781  
PO Box 41173  
St. Louis, MO 63141  
Telephone: (314) 973-5743  
E-mail: [llangeneckert@att.net](mailto:llangeneckert@att.net)

Attorney for River Cement Company

Attorneys for Missouri Retailers Association

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 1st day of April, 2014, to all parties of record in this case.

/s/ Diana M. Vuylsteke