

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of )  
John J. Lindsay for Change of )  
Electric Supplier )

**File No. EO-2023-0266**

## ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: July 13, 2023

Effective Date: July 13, 2023

On February 16, 2023, John J. Lindsay filed an application with the Missouri Public Service Commission requesting a change of electric supplier from The Empire District Electric Company, d/b/a Liberty (Liberty) to New-Mac Electric Cooperative (New-Mac). On May 21, 2023, the Commission issued its order directing the parties to file a proposed procedural schedule. The parties jointly filed a proposed procedural schedule timely on June 26, 2023. The Commission finds the proposed schedule filed by Ameren Missouri reasonable, and will adopt it.

### THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

August 8, 2023	Settlement Conference
August 15, 2023	Direct Testimony (Applicant)
August 29, 2023	Rebuttal Testimony (All but Applicant)
September 6, 2023	Surrebuttal Testimony (All)
September 11, 2023	List of Issues, List of Witnesses, and Order of Opening Statements and Cross Examination
September 19, 2023	Evidentiary Hearing

October 17, 2023

Initial Briefs

October 31, 2023

Reply Briefs

2. The parties shall comply with the following procedural requirements:

- a) 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.
- b) Testimony shall be prefiled as defined in Commission Rule 20 CSR 4240-2.130, including the requirement that it be filed on line-numbered pages. All parties will provide copies of testimony (including schedules), 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.
- c) 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 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.
- d) Parties must try to not include in data request questions either highly confidential or proprietary information. 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 Rule 4 CSR 4240-2.135.
- e) When serving a data request, the party serving the request will send to counsel for each party 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 is 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 shall 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 will 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 assumes responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served electronically, if feasible and not voluminous as defined by Commission rule, on counsel for the requesting party, unless counsel for the requesting party requests otherwise in writing. Responses to Staff data requests must be submitted in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible. All data requests to Staff must be submitted in EFIS.

- f) For data requests issued prior to the order that establishes the procedural schedule in this case, 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. For data requests issued after the order that establishes the procedural schedule in this case, 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. Data requests issued after 5:00 pm will be considered served on the next business day.
- g) Workpapers that were prepared in the course of developing a witness' testimony will not be filed with the Commission, but copies of them will be sent to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information shall 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. 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.
- h) 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 outputs, if available in that original format, the party providing the workpaper or response shall provide such information in original format with all formulae intact.
- i) If testimony or documents are prefiled and served upon the parties before a hearing, a party shall provide an emailed copy of the testimony or document to [exhibits@psc.mo.gov](mailto:exhibits@psc.mo.gov). If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall email it to the presiding officer and counsel for each other party, prior to the hearing, if possible.

The Evidentiary Hearing shall be held on September 19, 2023, at 9:00 a.m. at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri, at 9:00 a.m. 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.

This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell  
Secretary

Ross Keeling, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 11<sup>th</sup> day of July, 2023.

**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 13<sup>th</sup> day of July, 2023.**



*Nancy Dippell*

**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**July 13, 2023**

**File/Case No. EO-2023-0266**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**John J. Lindsay**

John J Lindsay  
12013 Karma Lane  
Neosho, MO 64850  
jandlundergroundconstruction@gmail.com

**Liberty (Empire)**

Diana C Carter  
428 E. Capitol Avenue, Suite 303  
Jefferson City, MO 65101  
Diana.Carter@LibertyUtilities.com

**Missouri Public Service  
Commission**

Paul Graham  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Paul.Graham@psc.mo.gov

**New-Mac Electric Cooperative, Inc.**

Megan E McCord  
PO Box 14287  
Springfield, MO 65814  
mmccord@reclawfirm.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Nancy Dippell  
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.