

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

Office of the Public Counsel,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. EC-2017-0175</u></b>
Kansas City Power & Light Company	)	
	)	
And	)	
	)	
KCP&L Greater Missouri Operations	)	
Company,	)	
	)	
Respondents.	)	

**PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Office of the Public Counsel (“OPC” or “Public Counsel”), the Staff of the Missouri Public Service Commission (“Staff”), Kansas City Power & Light Company (“KCP&L”), and KCP&L Greater Missouri Operations Company (“GMO”), the parties to this docket and hereby submits this Proposed Procedural Schedule and states:

1. On January 13, 2017 the Missouri Public Service Commission (“Commission”) issued its *Order Directing The Parties to File a Proposed Procedural Schedule* directing the parties to file a proposed procedural schedule no later than January 23, 2017. The Parties to this pleading propose the following dates in the procedural schedule reflected herein. Those parties request that the Commission adopt the procedural schedule set forth in paragraph 2 below, and also adopt the related procedural items that have been agreed upon, as reflected in paragraph 3 below.

2. The Procedural Schedule proposed by the parties to this pleading is as follows:

### **Procedural Schedule**

Complaint filed by OPC	December 13, 2016 (Tues.)
Answer and Affirmative Defenses filed by KCP&L/GMO	January 12, 2017 (Thurs.)
Direct Testimony Deadline	April 17, 2017 (Mon.)
Rebuttal Testimony Deadline	June 16, 2017 (Fri.)
After filing of Rebuttal, Response Time for Data Requests Reduced to 10 Calendar Days to Respond and 5 Business Days to Object/Notify of Need For Additional Time to Respond	
Surrebuttal/Cross Surrebuttal Testimony Deadline	July 14, 2017 (Fri.)
After filing of Surrebuttal/Cross-Surrebuttal., Response Time for Data Requests Reduced to 5 Calendar Days to Respond and 3 Business Days to Object/Notify For Additional Time to Respond	
Deadline to File List of Issues, List of Witnesses, Order of Cross-Examination, and Order of Opening Statements	July 19, 2017 (Wed.)
Deadline to File Statements of Position	July 21, 2017 (Fri.)
Evidentiary Hearings	August 1-2, 2017 (Tues.-Wed.)
Deadline to File Initial Briefs	Aug. 23, 2017 (Wed.)
Deadline to File Reply Briefs	Sept. 5, 2017 (Tues.)

3. The Parties request that the Commission adopt the following procedures regarding discovery:

- a) All parties shall 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.
- b) 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.
- c) 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.
- d) 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).

- e) 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.
- f) 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.
- g) 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).
- h) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

WHEREFORE, the above-named Parties file the Proposed Procedural Schedule set forth in paragraph 2 above, and request that the Commission adopt the same and include in its order its adoption of the procedural items requested by the Parties in paragraph 3 above.

Respectfully submitted,

**/s/ Tim Opitz**

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**ATTORNEYS FOR KANSAS CITY POWER &  
LIGHT COMPANY AND KCP&L GREATER  
MISSOURI OPERATIONS COMPANY**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this 23<sup>rd</sup> day of January 2017 to counsel for all parties of record.

**/s/ Tim Opitz**