

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

In the Matter of Kansas City Power & Light)	
Company's Practices Regarding Customer)	
Opt-Out of Demand-Side Management)	<u>File No. EO-2013-0359</u>
Programs and Related Issues)	

JOINT PROPOSED PROCEDURAL SCHEDULE

COMES NOW Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and on behalf of Staff, Kansas City Power & Light Company ("KCPL"), the Office of the Public Counsel, Midwest Energy Consumers Group, Midwest Energy Users' Association, the Missouri Industrial Energy Consumers and the Missouri Department of Natural Resources, known herein as "the parties", files this *Joint Proposed Procedural Schedule (Proposed Schedule)* with the Missouri Public Service Commission ("Commission") to state as follows:

Background

1. On March 20, 2013,¹ the Commission convened a prehearing conference in this matter.
2. During and since the prehearing conference, the parties have developed and agreed to recommend the following proposed procedural schedule to the Commission for the resolution of this matter:

Date	Event
March 21	Data Request Time shall be 10 calendar days to respond/5 calendar days to object
May 13	Conference Call among the parties

¹ All dates refer to calendar year 2013, unless otherwise noted.

May 15	All parties file a List of Issues and Relief Requested from the Commission
May 15	Joint Stipulation of Non-Disputed Material Facts
May 23	All parties file Direct Testimony
May 24	Data Request Time Changes to 5 calendar days to respond/3 calendar days to object
June 10	All parties file Rebuttal Testimony
June 13	Settlement Conference (not on the record)
June 14	Position Statements due
June 14	Update to Joint Stipulation of Non-Disputed Material Facts to add additional facts, if any
June 20-21	Evidentiary Hearing
July 1	Initial Briefs
July 15	Optional Reply Briefs

3. The parties have developed this schedule to process this matter timely in the hope that the Commission will issue an order on or before August 15. A Commission order during this timeframe will provide guidance to the parties and any KCPL customer who is contemplating opt-out under the Missouri Energy Efficiency Investment Act (“MEEIA”) Section 393.1075, RSMo (Supp. 2012), and the Commission’s MEEIA Rules², during the next upcoming September 1 through October 30 opt-out period.

² 4 CSR 240-3.163, 4 CSR 240-3.164, 4 CSR 240-20.093 and 4 CSR 240-20.094.

4. The parties recommend the Commission order the following procedures regarding any testimony and discovery in this matter:

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 shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

b. An effort should be made 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 should be appropriately designated as such pursuant to 4 CSR 240-2.135.

c. Counsel for each party shall receive electronically from each other party, an electronic copy of the text of all data requests “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 Commission’s Electronic Filing and Information System (“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 – 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 Staff, for a copy of the data request unless there are appropriate reasons to direct the discovery to the party originally requesting the material. 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. 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. Counsel may designate other personnel to be added to the service list 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. All parties shall submit their responses to Staff data requests in EFIS.

d. Until and including the day of filing Direct testimony, the response time for all data requests shall be 10 calendar days, and 5 calendar days to object or notify that more than 10 calendar days will be needed to provide the requested information. After the date of filing of Direct testimony, the response time for data requests shall be 5 calendar days to

provide the requested information, and 3 calendar 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.

e. 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 1 business day 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. 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 with formulas intact and 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.

WHEREFORE, Staff submits on behalf of the parties this *Proposed Schedule* and requests the Commission issue an order containing the terms and conditions agreed to herein.

Respectfully submitted,

/s/Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically on this **21st day of March 2013**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/Jennifer Hernandez