

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

In the Matter of the Empire District)
Electric Company's Application for)
Approval of Demand-Side Programs and)
for Authority to Establish a Demand-Side)
Program Investment Mechanism)

Case No. EO-2012-0206

JOINT MOTION TO ESTABLISH PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission (Staff), the Office of the Public Counsel, the Empire District Electric Company, Union Electric Company d/b/a Ameren Missouri, the Missouri Department of Natural Resources, Wal-Mart Stores East, L.P., Sam's East, Inc., Explorer Pipeline Company, Enbridge Energy, L.L.P., and Praxair, Inc. (collectively, Signatories) and for their *Joint Motion to Establish Procedural Schedule* hereby state as follows:

1. On February 28, 2012, the Empire District Electric Company (Empire) applied for approval of its proposed demand-side programs and for authority to establish a demand-side programs investment mechanism (DSIM) rider.
2. On February 29, 2012, the Missouri Public Service Commission (Commission) issued its *Order Directing Notice of Application, Establishing a Deadline for Intervention Requests and Setting a Procedural Conference*, scheduling a procedural conference on March 12, 2012.
3. At the procedural conference, the presiding officer ordered the parties to file a proposed procedural schedule or a status report by March 19, 2012.
4. The Signatories hereby request the Commission grant a variance from Rule 4 CSR 20.094(3), which requires the Commission to approve, modify or reject the

application within 120 days of filing. The Signatories hereby request the Commission extend the period for consideration of this application by 63 days.

5. Rule 4 CSR 20.094(9) provides the Commission may grant variances “[u]pon request and for good cause shown.” In this case, good cause exists for the Commission to grant a 63-day extension, because additional time will allow all the parties a better opportunity to complete a thorough review and submit more meaningful recommendations to the Commission.

6. The Signatories hereby propose the following procedural schedule, reflecting a total consideration period of 183 days, as requested above.

Procedure Schedule

<u>Action</u>	<u>Date Due</u>
Rebuttal Testimony and Exhibits	May 30, 2012
Surrebuttal Testimony and Exhibits	June 15, 2012
List of Issues	June 22, 2012
Position Statements	June 29, 2012
Evidentiary Hearing	July 10-11, 2012
Initial Briefs	July 23, 2012
Reply Briefs	August 3, 2012

7. The Signatories agreed that Empire shall hold technical conferences with the Staff and other parties beginning on March 21, 2012. Thereafter Empire shall hold technical conferences weekly, or as agreed upon by the parties.

8. The Signatories agree to the following procedural items, which they request the Commission adopt:

(a) 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 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 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. If responding to a Staff data request, the responding party shall record the response in EFIS and send an email notification to Staff Counsel that such party has filed the response. For all other parties, 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.

(d) The response time for all data requests shall be ten (10) calendar days to provide the requested information, and five (5) business days to object or notify that more than ten (10) calendar 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.

(e) Workpapers prepared in the course of developing a witness' testimony 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 highly confidential or proprietary information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney should so notify the other parties within the time period for providing those workpapers.

(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, 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.

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

(h) For purposes of this case, the Parties request the Commission waive 4 CSR 240-2.080(11) with respect to prefiled testimony, pleadings and briefs.

(i) Pursuant to Rule 4 CSR 240-2.080 (9), the Commission treat prefiled testimony or other filings to be made in this case that are made in EFIS as timely filed if filed before midnight on the date the filing is due.

9. The Signatories agree that if a data request is submitted after 5:30 p.m., the time to object and/or respond to said data request shall begin to run beginning on the next business day.

WHEREFORE, the Signatories respectfully request that the Commission enter an Order adopting the procedural schedule discussed herein.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 19th day of March, 2012.

/s/ John D. Borgmeyer