

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company)
of Joplin, Missouri for Authority to File Tariffs Increasing) **File No. ER-2011-0004**
Rates for Electric Service Provided to Customers in the) **Tariff No. YE-2011-0154**
Missouri Service Area of the Company)

ORDER SETTING PROCEDURAL SCHEDULE, ESTABLISHING TEST YEAR, ESTABLISHING OTHER PROCEDURAL REQUIREMENTS, AND ADOPTING PROPOSED CUSTOMER NOTICE WITH MODIFICATIONS

Issue Date: November 16, 2010

Effective Date: November 16, 2010

On September 28, 2010, The Empire District Electric Company (“Empire”) submitted a tariff designed to implement a general rate increase for electric service. The Commission issued notice and established various filing deadlines, including those for a proposed procedural schedule, recommendations on test year and update period, proposals for local public hearings, and a copy of the proposed customer notice.

On November 15, 2010, after having been granted an extension of time, the parties, with the exception of Kansas City Power and Light Company, jointly filed a proposed procedural schedule. Those same parties also made recommendations for the test year and update period, dates and locations for local public hearings and submitted a copy of a proposed customer notice. The parties making the joint filing represent that KCPL does not oppose the proposals.

The Commission will adopt the proposals and customer notice with modifications. Various filing dates have been adjusted. The dates and locations suggested for the local public hearings may have to be changed depending on availability. These dates and locations will be set by separate order.

THE COMMISSION ORDERS THAT:

1. The Test Year for this case is the twelve month period ending June 30, 2009, updated for known and measureable changes through November 30, 2010. Any party may base its calculated revenues and billing determinants on a more recent 12-month period provided that the period utilized be updated through November 30, 2010.

2. The following procedural schedule is established:

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| Revenue Requirement Direct (Non-Empire) | - February 23, 2011 |
| Rate Design Direct (Non-Empire) | - March 16, 2011 |
| Revenue Requirement Settlement Conference (This is an informal conference among the parties and will not be “on-the-record.”) | - March 17-18, 2011 |
| Local Public Hearings (locations and dates to be established by subsequent order) | - Tentative Dates March 22-23, 2011 |
| Rate Design Settlement Conference (This is an informal conference among the parties and will not be “on-the-record.”) | - March 28-30, 2011 |
| Revenue Requirement Rebuttal | - April 1, 2011 |
| Revenue Requirement Surrebuttal | - April 11, 2011 |
| Rate Design Rebuttal | - April 18, 2011 |
| Rate Design Surrebuttal | - April 28, 2011 |
| Reconciliation | - May 6, 2011 |
| Joint Stipulation of Non-Disputed Material Facts | - May 6, 2011 |
| True-Up Direct (If required) | - May 6, 2011 |

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| List of Issues, List of Witnesses, Order of Witnesses, Order of Parties for Cross-Examination, Order of Opening Statements | - | May 16, 2011 |
| Position Statements | - | May 16, 2011 |
| True-Up Rebuttal (If required) | - | May 20, 2011 |
| Evidentiary Hearing | - | May 23-27, 2011, June 2-3, 2011 beginning at 8:30 a.m. |
| Transcripts (Evidentiary Hearing) Expedited | - | June 6, 2011 |
| True-Up Hearing (If required) | - | June 6-7, 2011 |
| Transcripts (True-Up) Expedited | - | June 9, 2011 |
| Simultaneous Post-Hearing Briefs | - | June 27, 2011 |
| Proposed Findings of Fact and Conclusions of Law | - | June 27, 2011 |
| Reply Briefs | - | July 6, 2011 |

3. The parties shall comply with the following additional procedural requirements:
 - 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. 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 request “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 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 Empire to a Staff data request, the party should ask Empire, 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, 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.

- D. Until March 16, 2011, 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 March 16, 2011, 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.
- 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 2 business days 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 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.

- G. The Commission waives 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.
- H. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- I. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- J. The parties shall agree upon and Staff shall 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 party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- K. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- L. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. 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 unresolved issues that the parties believe require decision by the Commission.
- M. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- N. In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

4. The Empire District Electric Company's proposed customer notices, are adopted, with the exception that dates and locations suggested for the local public hearings may be changed based upon availability. Local public hearings will be set by separate order.

5. The hearing shall be held at the Commission's office at the Governor Office Building, in Rooms 305 and 310, 200 Madison Street, Jefferson City, Missouri on the dates prescribed in this order. Room 305 shall be used for the evidentiary hearing on May 23 and 24, 2011, unless otherwise directed. The remainder of the evidentiary and true-up hearings will be held in Room 310. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Any entity requiring additional accommodations to participate in this hearing shall call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

6. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 16th day of November, 2010.