

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone/internet audio conference on the 8<sup>th</sup> day of April, 2020.

In the Matter of The Empire District )  
Electric Company's Request for Authority )  
to File Tariffs Increasing Rates for Electric )  
Service Provided to Customers in its )  
Missouri Service Area )

**File No. ER-2019-0374**

**ORDER SUSPENDING THE EVIDENTIARY HEARING, MODIFYING THE  
PROCEDURAL SCHEDULE, AND DELEGATING AUTHORITY TO THE  
REGULATORY JUDGE**

Issue Date: April 8, 2020

Effective Date: April 8, 2020

On April 3, 2020, at the request of the regulatory judge, the Commission's Staff filed a progress report on behalf of all the parties regarding the upcoming evidentiary hearing in this general rate proceeding, which is scheduled to begin on April 14, 2020. The parties state that while they have diligently discussed settlement options, there are still negotiations that must occur prior to reaching any settlement of this matter. The current Covid-19 pandemic has also hampered settlement negotiations and disrupted the parties' normal work environment.

The parties request that the Commission cancel the evidentiary hearing, allow the parties to offer the pre-filed testimony of witnesses, waive cross-examination of witnesses, and submit the case on the record without an evidentiary hearing. The parties also request alteration of the procedural schedule to accommodate the above request and allow for submission of additional evidence.

The Commission greatly appreciates the parties' efforts to resolve this matter and to alleviate the need for an evidentiary hearing, which would have to be conducted under less than ideal circumstances. The Commission does have concerns that it may be unable to ask questions of the parties or witnesses under the proposed procedural schedule.

The Commission will suspend the evidentiary hearing, and adopt the parties' proposed procedural schedule with some minor alterations. The Commission will delegate its adjudicative authority to the regulatory law judge assigned to this case under Section 386.240 RSMo, to alter the procedural schedule additionally as necessary.

**THE COMMISSION ORDERS THAT:**

1. The Commission suspends the evidentiary hearing scheduled for April 14, 2020 through April 22, 2020, to allow the parties to submit their case on the record, as requested by the parties in Staff's Progress Report and Request for Extension of Filing Dates. However, the Commission reserves the right to set evidentiary hearing dates or on the record presentation dates as necessary to accommodate Commission questions or concerns.

2. The Commission shall alter the procedural schedule as follows:

April 8, 2020	List of Issues
April 9, 2020	Final day to issue data requests, request discovery, or conduct depositions
April 10, 2020	Final Reconciliation
April 14, 2020	Position Statements
April 15, 2020	Procedural Conference (Time to be determined)
April 17, 2020	Offers of Evidence
April 27, 2020	Initial Briefs and Objections to Offers
May 4, 2020	Responsive Briefs
May 11, 2020	Reply Briefs and Proposed Findings of Fact and Conclusions of Law
July 11, 2020	Operation of Law Date

3. The Commission delegates its authority to alter the procedural schedule in this proceeding to the regulatory law judge assigned to this case.

4. This order shall become effective upon issuance.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and  
Holsman CC., concur.

Clark, Senior Regulatory Law Judge