

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 17th day of October, 2019.

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 SETTING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: October 17, 2019

Effective Date: October 17, 2019

On August 14, 2019, The Empire District Electric Company (Empire) filed tariffs and direct testimony implementing a general rate case. The Commission's Staff, Empire, the Empire District Retired Members and Spouses Association, IBEW Local Union 1464, the Midwest Energy Consumers Group, the Missouri Division of Energy, the National Housing Trust, the Natural Resources Defense Council, Renew Missouri, the Sierra Club, and The Empire District Electric Company SERP Retirees, filed their Joint Proposed Procedural Schedule. The Office of the Public Counsel (OPC) indicated that it was only a joint party to the filing if the Commission orders expedited transcripts of the evidentiary hearing to be available the day following the evidentiary hearing. The Commission is not addressing when the evidentiary hearing transcript will be available in this order. So OPC is not a joint party to the proposed procedural schedule.

The Commission will adopt the proposed procedural schedule. Further, the Commission adopts the other procedural requirements as proposed with some revision for clarity.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Date	Event
November 6, 2019	Discovery Conference (10:00 a.m. 305 GOB)
January 8, 2020	Discovery Conference (1:00 p.m. 305 GOB)
January 15, 2020	Non-Company Direct Testimony (Revenue Requirement)
January 29, 2020	Non-Company Direct Testimony (Rate Design/Class Cost of Service)
February 2020 ¹	Local Public Hearings
March 3, 2020	Rebuttal Testimony (Revenue Requirement)
March 9, 2020	Rebuttal Testimony (Rate Design/Class Cost of Service)
March 13, 2020	True Up Cutoff (Company Provides True Up Documentation)
March 18, 2020	Technical Conference
March 27, 2020	Surrebuttal and True Up Direct Testimony
March 30, 2020	Preliminary Reconciliation (not filed)
March 31 - April 2, 2020	Settlement Conference
April 3, 2020	List of Issues, Order of Witnesses and Order of Cross-Examination
April 6, 2020	Statement of Positions
April 7, 2020	Final Reconciliation
April 9, 2020	Final day to issue data requests, request discovery, and/or conduct depositions
April 14-17 and 20-22, 2020	Evidentiary Hearing
May 4, 2020	Initial Briefs
May 11, 2020	Reply/True Up Briefs
July 11, 2020	Effective Date of Rates

¹ The Commission will issue a separate order scheduling specific days for local public hearings.

2. The evidentiary hearing is scheduled for April 14-17 and 20-22, 2020, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The parties joining the procedural schedule have agreed to the Company's proposed test year of the twelve-month period ending with March 31, 2019, updated to September 30, 2019, and trued-up to include known and measurable information through January 31, 2020.

4. The Parties shall comply with the following additional procedural requirements:

- A. Workpapers prepared in the course of developing a witness' testimony including schedules (whether filed separately or as part of a report) shall not be filed with the Commission, but shall be provided to each party within two (2) business days following the filing of the relevant testimony. Workpapers containing confidential information should be marked in compliance with 20 CSR 4240-2.135. Counsel for each party shall undertake to advise other counsel if a sponsored witness has no workpapers associated with a specific piece of testimony. Where workpapers include models, spreadsheets or similar documents originally in a commonly available format, in which inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by email or on a compact disc or other electronic storage media where appropriate.

- B. All Parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, 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.
- C. Parties shall treat all confidential information with the appropriate designation and comply with all provisions of 20 CSR 4240 2.135.
- D. Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- E. Data requests (DR) issued to or by Staff shall be submitted and responded to in (EFIS). If this is not feasible, Staff shall be contacted to arrange an appropriate alternative. Counsel for each party shall receive electronically from each party serving a DR, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued DRs, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that DR shall be considered a sufficient copy. If a party desires a copy of the responses to DRs served on another party, the party desiring a copy must request that copy from the party responding to that DR. DRs shall be emailed to counsel for the other parties to this matter. Counsel may designate other personnel to be added to a service list for DRs, but shall assume the responsibility for enforcing such a request and ensuring the preservation of confidentiality. DR responses should be served on counsel for the requesting party electronically, if feasible, pursuant to Commission rules. The Company's responses to Staff's DRs will be available to other parties on EFIS.
- F. The response time for all DRs is measured in calendar days. DRs issued after 5:00 p.m. are treated as having been issued the following calendar day. All DR responses are due on the designated date no later than 5:00 p.m. Pursuant to 20 CSR 4240 2.090.2(D) the response time for DRs is 20 days from the date of request with objections being served no later than 10 days from the request date. After March 3, 2020, those response times will decrease to 15 days response time with 8 days to service objections

and after March 27, 2020, those response times will decrease to 10 days response time with 5 days to serve objections.

- G. Discovery disputes should be handled in accordance with 20 CSR 4240 2.090.8. The parties commit to resolve discovery disputes without Commission intervention to the extent possible.
- H. Not less than two business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.
- I. Testimony shall be prefiled as defined in Commission Rule 20 CSR 4240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- J. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, 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, the order of party cross-examination for each witness, and the order of opening statements. 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. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- K. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under that law with citations to any pre-filed testimony in support.
- L. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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. If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

N. Exhibit numbers are assigned in the following manner:

The Empire District Electric Company	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Mo. Div. of Energy	300-349
Midwest Energy Consumers Group	350-399
Renew Missouri	400-449
National Housing Trust	450-499
Sierra Club	500-549
Natural Resources Defense Council	550-599
Empire District Retired Members and Spouses Association	600-649
Empire District Electric Company SERP Retirees	650-699
IBEW Local Union 1464	700-749

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Empire has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

O. Each party shall prepare a list of its pre-filed, pre-marked exhibits and email a copy of that list to every other party and to the regulatory law judge no later than April 13, 2020. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

5. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

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

Clark, Senior Regulatory Law Judge