

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

In the Matter of the Empire District )  
Electric Company's Application for )  
Approval of a Transportation Electrification )  
Portfolio for Electric Customers in its )  
Missouri Service Area )

**Case No. ET-2020-0390**

**PROPOSED PROCEDURAL SCHEDULE**

**COME NOW** the Staff of the Missouri Public Service Commission, on behalf of the Empire District Electric Company ("Empire"), Missouri Propane Gas Association, the Office of the Public Counsel, Midwest Energy Consumers Group, and Renew Missouri Advocates d/b/a Renew Missouri ("Renew Missouri"), and proposes the following procedural schedule.<sup>1</sup>

**PROPOSED SCHEDULE**

Bi-weekly technical conferences (including counsel)	10-11:00 a.m. on Fridays, starting February 19 and continuing through April 2
Empire Supplemental/Amended Testimony	April 9, 2021
Rebuttal Testimony	May 7, 2021
Surrebuttal Testimony	May 28, 2021
Last Day to Request Discovery	June 7, 2021
List of Issues, List of Witnesses, and Order of Cross-Examination Due:	June 7, 2021
Position Statements	June 11, 2021
Hearing	June 22-23, 2021

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<sup>1</sup> ChargePoint, Inc. states it does not object to the schedule.

### **Proposed Procedural Requirements**

- (a) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
- (b) 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 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 cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (d) 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 remaining unresolved issues that are to be decided by the Commission.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Regarding Staff-issued data requests, if the description contains confidential 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. 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.

- (i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (j) The response time for all data requests shall be twenty (20) calendar days, with seven (7) business days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After the filing of Rebuttal Testimony on May 7, 2021, the response time for all data requests will be fifteen (15) calendar days, with five (5) business days to object or notify the requesting party that more than fifteen (15) 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.
- (k) Workpapers prepared in the course of developing a 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 testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- (l) 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.

**WHEREFORE** the parties respectfully request the Commission accept and order the procedural schedule and procedural requirements outlined above.

Respectfully submitted,

**/s/ Nicole Mers**

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**Attorney for the Missouri Public  
Service Commission**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been electronically mailed to all counsel of record this 16<sup>th</sup> day of February, 2021.

**/s/ Nicole Mers**