

**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 Programs                    )  
Investment Mechanism

**File No. EO-2014-0030**

**JOINTLY PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and on behalf of the Empire District Electric Company ("Empire"), Office of the Public Council ("OPC"), Union Electric Company d/b/a Ameren Missouri, Kansas City Power & Light Company ("KCP&L"), KCP&L Greater Missouri Operations Company ("GMO"), the Missouri Division of Energy, the Sierra Club, and Earth Island Institute d/b/a Renew Missouri, known collectively herein as "the Parties," and hereby submits this *Jointly Proposed Procedural Schedule*. In support hereof, Staff states as follows:

1. On October 29, 2013, Empire filed an application for approval of demand-side programs and for authority to establish demand-side programs investment mechanisms ("DSIM").
2. On October 30, 2013, the Commission issued an *Order Directing Notice And Establishing A Deadline For Filing Requests To Intervene*, setting a prehearing conference on November 26, 2013.
3. With the exceptions of KCP&L, GMO and the Sierra Club, the Parties appeared at the prehearing conference and discussed procedural schedules. As a result of the discussions, the Parties agree on the proposed procedural schedule reflected herein. The Parties request that the Commission adopt the procedural

schedule set forth below, and also adopt the related procedural items agreed upon by the Parties that follow:

(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 Commission’s Electronic Filing and Information System (“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) On and after the date for filing surrebuttal testimony, the response time for all data requests will be ten (10) calendar days to provide the requested information, and five (5) calendar 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 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 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.

4. For the technical conferences, the Parties request that the Commission allow the Parties to determine mutually agreeable dates and times to conduct these conferences.

5. Rule 4 CSR 240-20.094 (3) provides that "[t]he commission shall approve, approve with modification acceptable to the electric utility, or reject such applications for approval of demand-side program plans within one hundred twenty (120) days of the

filing of an application under this section...” However, variances from this rule may be granted by the Commission for good cause shown.<sup>1</sup> Although the rule does not define good cause, good cause “...refers to a remedial purpose and is to be applied with discretion to prevent a manifest injustice or to avoid a threatened one.” *Bennett v. Bennett*, 938 S.W.2d 952, 957 (Mo. App. S.D. 1997).

6. The Parties assert that good cause exists for the Commission granting a variance to allow until May 1, 2014, approximately an additional sixty (60) days for the procedural schedule because prior experience with other utilities on similar applications has shown additional time is needed. Additionally, none of the Parties, including Empire, object to the final order date being extended by the Commission to allow more time to complete the case. The Parties believe that the additional time to analyze the Application would serve a remedial purpose and allow the Parties to complete a thorough review and submit recommendations to the Commission.

7. The Parties further recommend that the Commission adopt the following procedural schedule, which anticipates the Commission issuing its *Report and Order* by May 1, 2014<sup>2</sup>:

<b><u>Event</u></b>	<b><u>Date</u></b>
First technical conference <sup>3</sup>	December 6, 2013
Rebuttal testimony	January 23, 2014
Surrebuttal testimony	February 18, 2014

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<sup>1</sup> 4 CSR 240-20.094 (9).

<sup>2</sup> The Report and Order issue date contemplates an effective date for the tariff sheets of July 1, 2014.

<sup>3</sup> The first technical conference was held on December 6, 2013; the dates and times for the other technical conferences will be decided informally by the Parties.

Data Request response times change to 5 calendar days to object and 10 calendar days to respond	February 18, 2014
List of Issues	February 25, 2014
Position Statements	March 5, 2014
Settlement Discussions	March 10, 2014
Order of Witnesses Order of Cross examination, Order Of Opening	March 14, 2014
Evidentiary Hearing	March 20-21, 2014
Initial Post-Hearing Briefs	April 4, 2014
Reply Briefs	April 11, 2014
Report and Order Issue Date	May 1, 2014

**WHEREFORE**, Staff, on behalf of the Parties, files this *Jointly Proposed Procedural Schedule*, as ordered by the Commission.

Respectfully submitted,

**STAFF OF THE MISSOURI  
PUBLIC SERVICE COMMISSION**

**/s/ Akayla J. Jones**

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 6<sup>th</sup> day of December, 2013 to all counsel of record in this proceeding.

**/s/Jennifer Hernandez**