

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

In the Matter of The Empire District Electric)
Company's Request for Authority to File Tariffs)
Increasing Rates for Electric Service Provided) **Case No. ER-2019-0374**
to Customers in its Missouri Service Area)

PROPOSED JOINT PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, on behalf of itself, The Empire District Electric Company, the Office of the Public Counsel,¹ the Empire District Retired Members and Spouses Association, the 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, and for its *Proposed Procedural Schedule* in this matter hereby states:

1. The Empire District Electric Company filed tariff sheets and direct testimony proposing a general rate increase for its Missouri service areas on August 14, 2019. Several parties have intervened in this matter. The Commission has requested that the parties file a proposed procedural schedule no later than September 27, 2019. The parties have met and come to the following proposed dates and terms in collaboration. The Parties request that the Commission adopt the following procedural schedule:

Activity

Date

¹ Only if the Commission orders expedited transcripts of the evidentiary hearing so that they are available to the parties the business day following a hearing day does the Office of the Public Counsel join in proposing this procedural schedule (A schedule which the Office of the Public Counsel views to be temporally challenging, particularly for briefing.), which is based on updating the twelve months ended March 31, 2019, test year to September 30, 2019, and true-up the test year to January 31, 2020, and allowing Empire to provide true-up information as late as March 13, 2020.

Initial Case Filing	August 14, 2019
Discovery Conference	November 6, 2019
Discovery Conference	January 8, 2020
Non-Company Direct Testimony (Revenue Requirement)	January 15, 2020
Non-Company Direct Testimony (Rate Design/Class Cost of Service)	January 29, 2020
Local Public Hearings	February 2020
All Party Rebuttal Testimony (Revenue Requirement)	March 3, 2020
All Party Rebuttal Testimony (Rate Design/Class Cost of Service)	March 9, 2020
True Up Cutoff (Company Provides True Up Documentation)	March 13, 2020
Technical Conference	March 18, 2020
All Party Surrebuttal and True Up Direct Testimony	March 27, 2020
Preliminary Reconciliation (not to be filed)	March 30, 2020
Settlement Conference	March 31 - April 2, 2020
List of Issues, Order of Witnesses And Order of Cross-Examination	April 3, 2020
Statement of Positions	April 6, 2020
Final Reconciliation (to be filed)	April 7, 2020
Discovery Cutoff	April 9, 2020 ²
Evidentiary Hearing	April 14-17 and 20-22, 2020
Initial Briefs	May 4, 2020

² This designates the final day by which to issue new data requests, to request any written discovery, and by which to conduct depositions.

Reply/True Up Briefs

May 11, 2020

Effective Date of Rates

July 11, 2020

2. The parties 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.

3. 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.

4. The parties request that the Commission adopt the following discovery procedures:

a. All parties shall provide copies of testimony including schedules, exhibits and pleadings to other counsel of record by electronic means and in electronic form concurrently with the filing of such testimony, exhibits or pleadings where the

information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchange.

b. Parties shall treat all confidential information with the appropriate designation and comply with all provisions of 20 CSR 4240 2.135.

c. Data requests (DR) issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (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.

d. 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.

e. 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.

f. Data request responses containing 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, as discussed above should be provided in their 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 parties via email.

5. Local public hearings are proposed by the parties to be held in February and the recommendations for those hearings will be addressed in a separate filing by the Office of the Public Counsel.

6. The parties ask that the Commission request transcripts for the evidentiary hearing to be expedited to the soonest date possible to accommodate the abbreviated briefing schedule proposed herein.

WHEREFORE, Staff, on behalf of all parties to this matter, prays that the Commission will accept this *Proposed Procedural Schedule* and order a Procedural Schedule in accordance with the provisions herein; and grant such other and further relief as the Commission considers just in the circumstances.

Respectively submitted,

/s/ Whitney Payne

Whitney Payne
Senior Counsel
Missouri Bar No. 64078
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
whitney.payne@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 27th day of September, 2019, to all counsel of record.

/s/ Whitney Payne