

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of Evergy Metro,)
Inc. d/b/a Evergy Missouri Metro and Evergy)
Missouri West, Inc. d/b/a Evergy Missouri West) No. EU-2020-0350
for an Accounting Authority Order Allowing the)
Companies to Record and Preserve Costs Related)
to COVID-19 Expenses)

PROPOSED PROCEDURAL SCHEDULE

COME NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. (“Evergy Missouri West”) (collectively, the “Company”) submit their *Proposed Procedural Schedule* and, in support thereof, state as follows:

1. A prehearing conference was held in this matter on June 16, 2020, at which the regulatory law judge requested that the parties file either a status report or a proposed procedural schedule by July 1, 2020.

2. Pursuant to the above-mentioned request, the Company, submits the following proposed procedural schedule:

July 8, 2020	Direct Testimony
August 17, 2020	Rebuttal Testimony
September 4, 2020	Surrebuttal Testimony
September 9, 2020	List of Issues
September 16, 2020	Position Statements
September 28-29, 2020	Evidentiary Hearing
October 19, 2020	Initial Briefs
November 2, 2020	Reply Briefs
December 18, 2020	Commission Order

3. The parties intend to continue to engage in good faith settlement discussions and may need to modify the above schedule should an agreement be reached.

4. The parties recognize that the Western District Court of Appeals is currently considering Evergy Missouri West’s appeal of the Commission’s decision in EC-2019-0200.

Broadly stated, the issues in that case consider the standard to be applied to Accounting Authority Orders as well as whether an Accounting Authority Order constitutes a collateral attack on the Commission's previous rate decision. Given the potential relevance of this pending appeal, the parties each maintain the right to seek changes to the procedural schedule to accommodate consideration of the Western District Court of Appeal's decision in that matter.¹

5. Counsel for all parties have indicated that they either support or do not oppose the above schedule.

Proposed Procedural Requirements

- (a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 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 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 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

¹ Staff is not a party to the Western District Court of Appeals case referenced in this paragraph, and Staff is not asserting any relevance or reserving any right regarding that pending case at this time.

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 already 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 e-mail.

(h) Counsel for each party shall receive electronically from all other parties 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. Also regarding Staff-issued data requests, if the description contains highly confidential or proprietary 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 20 CSR 4240-2.135.

(j) The response time for all data requests shall be fifteen (15) days, with five (5) business days to object or notify the requesting party that more than fifteen (15) 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 without waiting the full response time allowed.

(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.

(1) 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, Evergy Missouri Metro and Evergy Missouri West submit the above-proposed procedural schedule pursuant to the request of the Commission for consideration.

Respectfully submitted,

/s/ Robert J. Hack

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**Attorneys for Evergy Missouri Metro and
Evergy Missouri West**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed or mailed, postage prepaid, to counsel for all parties this 22nd day of June 2020.

/s/ Robert J. Hack

**Attorney for Evergy Missouri Metro and Evergy
Missouri West**