

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 15<sup>th</sup> day of November, 2018.

In the Matter of the Application of The )  
Empire District Electric Company for a ) **File No. EA-2019-0010**  
Certificate of Convenience and Necessity )  
Related to its Customer Savings Plan )

**ORDER SETTING PROCEDURAL SCHEDULE**

Issue Date: November 15, 2018

Effective Date: November 15, 2018

On October 24, 2018, The Empire District Electric Company, the Staff of the Missouri Public Service Commission (Staff), the Office of the Public Counsel (OPC), the Missouri Energy Consumers Group (MECG), and Renew Missouri Advocates filed a proposed procedural schedule. The Commission directed responses to the procedural schedule be filed no later than November 6, 2018. No responses were filed.

On November 14, 2018, OPC, on behalf of itself, Empire, Staff, MECG, and Renew Missouri Advocates filed a request to amend the proposed procedural schedule to allow additional time for filing rebuttal, surrebuttal, and cross-surrebuttal testimony. OPC stated that the other parties indicated that they had no objection to the changes. The Commission will adopt the proposed schedule, as amended, with the additional procedural requirements set out below.

**THE COMMISSION ORDERS THAT:**

1. The parties shall comply with the following procedural schedule (the parties may reschedule the Technical Conferences by consensus without further order of the Commission):

<b>Date</b>	<b>Event or Item to be Filed/Submitted</b>
Nov. 19, 2018	Technical/Settlement Conference (off the record)
December 17, 2018	Technical/Settlement Conference (off the record)
January 4, 2019	Rebuttal Testimony (all non-Company parties)
February 7, 2019	Surrebuttal and Cross-Surrebuttal Testimony
February 19, 2019	Last day to request discovery (by issuing written discovery requests, subpoenas, etc.) and last day on which a deposition may be taken
February 19, 2019	List of Issues and Order of Witnesses
February 22, 2019	Position Statements
March 5 -7, 2019	Evidentiary Hearing
March 21, 2019	Initial Post-Hearing Briefs
April 4, 2019	Reply Briefs

2. The evidentiary hearing is scheduled for March 5-7, 2019, beginning at 8:30 a.m. on the first day. 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 shall comply with the following additional procedural requirements:

- (A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, 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, 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, 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. 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 the law with citations to any pre-filed testimony in support.
- (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 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 to be marked as an exhibit at the hearing. 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 Commissioner, 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 of record 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. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (G) Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving those documents on counsel of record for all other parties via e-

mail. To provide additional security, confidential documents are considered served when filed in EFIS and shall not be served via e-mail.

(H) With regard to discovery and workpapers:

i. Workpapers shall be emailed or otherwise provided to all counsel of record within 48 hours of the filing of written testimony.

ii. The response time for all data requests shall be twelve calendar days, with three business days to object or notify the requesting party that more than 12 calendar days will be needed to provide the requested information.

iii. All data requests, subpoenas, or other discovery requests shall be issued no later than 5:00 p.m. on February 19, 2019. With respect to deposing a witness, depositions must be completed by February 19, 2019.

iv. Copies of all data requests, subpoenas, and other discovery requests shall, on the day of issuance, be sent by email to all counsel of record for all parties (with the exception of data requests to and/or from Staff which are filed in EFIS).

v. Data requests served (or entered in EFIS, for the Staff of the Missouri Public Service Commission) prior to 5:00 p.m. Central on any date shall be deemed issued on said date. Data requests served (or entered in EFIS, for Staff) at or after 5:00 p.m. Central on any date shall be deemed issued on the following date.

vi. If a privilege or the work product doctrine is asserted as a reason for the objection, then without revealing the protected information, the objecting party shall state information that will permit others to assess the applicability of the privilege or work product doctrine.

2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Dippell, Senior Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 15<sup>th</sup> day of November 2018.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 15, 2018**

**File/Case No. EA-2019-0010**

**Missouri Public Service Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.