

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

In the Matter of the Fifth Prudence Review)
of Costs Subject to the Commission-Approved) **Case No. EO-2023-0276**
Fuel Adjustment Clause of Evergy Metro, Inc.)
d/b/a Evergy Missouri Metro.)

In the Matter of the Eleventh Prudence Review)
of Costs Subject to the Commission-Approved) **Case No. EO-2023-0277**
Fuel Adjustment Clause of Evergy Missouri)
West, Inc. d/b/a Evergy Missouri West.)

JOINT PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission, on behalf of all the parties, and, as directed by the Commission in its *Order* of September 13, 2023, now tenders this *Joint Proposed Procedural Schedule*:

Proposed Procedural Schedule

1. The Parties recommend that the Commission adopt the following Procedural Schedule:

Item	Date
Direct Testimony	November 14, 2023
Rebuttal Testimony	December 14, 2023
DR Response time changes from 20 days to 10 days	December 14, 2023
Surrebuttal Testimony	January 18, 2024
List of Issues, List and Order of Witnesses	January 23, 2024
Statements of Position	January 31, 2024
Evidentiary Hearing	February 5, 2024, - February 9, 2024

Discovery and Procedural Requirements

2. 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.

3. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (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 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.

4. The parties shall provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed. Workpapers containing confidential information shall be appropriately marked pursuant to Commission Rule 20 CSR 4240-2.135. 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.

5. 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 or outputs, 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.

6. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. The parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

7. 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 (.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.

8. Public documents filed in 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.

9. 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.

10. For the Statements of Position, each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.

11. Hearing transcripts will be expedited.

12. 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.

13. 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 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.

14. The Parties agree as follows with respect to Data Requests:

(A) Until Rebuttal Testimony is filed on December 14, 2023, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

(B) Beginning December 14, 2023, the response time for data requests shall be ten (10) calendar days to provide the requested information and five (5) business days to object or notify the requesting party that more than ten (10) calendar days will be needed to provide the requested information.

(C) 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.

(D) Data requests sent after 5:00 p.m. on Monday-Friday or on a weekend or state/federal holiday, will be considered served on the next business day.

(E) The Parties shall make an effort to not include in data request questions confidential information, and the Parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such pursuant to 20 CSR 4240-2.135. Responsibility to make this designation is upon the Party claiming such. Other Parties are entitled to rely on the presence or absence of such designation.

(F) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by

email to counsel for the other parties. 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 in writing a copy of the response from the party answering the data request, thereby providing the responding party the opportunity to object. 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 any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, 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. In the case of responses to data requests Staff issues, Confluence Rivers shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

(G) Discovery conferences will be held as necessary, beginning at 10:00 a.m., at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, with remote connectivity via Webex to be provided upon any Party's request.

(H) Any party that has a discovery disagreement or concern involving another party shall file a request for a discovery conference, including a

brief statement describing the disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.

(I) Discovery conferences shall be held on the record and shall be transcribed by a court reporter.

(J) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(K) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

WHEREFORE, Staff and the other Parties pray that the Commission will establish the Procedural Schedule as set out herein.

Respectfully submitted,

/s/ Kevin A. Thompson
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this **12th day of October, 2023**.

/s/ Kevin A. Thompson