

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

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Every Metro, Inc. d/b/a Every Missouri Metro; and Every Missouri West, d/b/a Every Missouri West, Inc.,
Respondents.

Case No. EC-2024-0092

**Proposed Procedural Schedule and
Proposed Discovery Conditions**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, on behalf of itself and the Office of the Public Counsel and tenders this *Proposed Procedural Schedule and Proposed Discovery Conditions*, stating:

1. Staff has been unable to reach agreement with Every on either the *Proposed Procedural Schedule* or the *Proposed Discovery Conditions*. Therefore, in order to avoid further delay, Staff tenders this *Proposed Procedural Schedule and Proposed Discovery Conditions* and prays that the Commission will adopt it forthwith.

Proposed Procedural Schedule

2. Staff recommends that the Commission adopt the following Procedural Schedule:

<u>Item</u>	<u>Date</u>
Direct Testimony (staff)	February 6, 2024
DR Response Time	February 6, 2024 5 days to respond, 3 days to object.
Rebuttal Testimony (Company)	March 29, 2024
Surrebuttal Testimony (All Parties)	April 29, 2024
Discovery Cut-off	May 2, 2024
List of Issues, List and Order of Witnesses, Order of Opening, and Order of Cross-Examination	May 9, 2024
Statements of Positions	May 16, 2024
Evidentiary Hearing	May 21 through 23, 2024
Initial Briefs (All Parties)	June 24, 2024
Reply Briefs (All Parties)	July 9, 2024

Discovery Conditions

3. The Parties will file prepared written testimony pursuant to 20 CSR 4240-2.130, according to the schedule set out above.
4. The Parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.
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.

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. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

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

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

(B) After Direct Testimony is filed, the response time for data requests shall be five (5) business days to provide the requested information, and three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information.

(C) No DRs or other discovery requests may be served on any party after the Discovery Cut-off Date.

8. The Parties agree to the following provisions regarding discovery:

(A) Discovery conferences shall be held as requested by a party, on one week's prior notice to all parties.

(B) Discovery conferences will be held virtually unless otherwise ordered. Each discovery conference will begin at 10:00 a.m.

(C) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that 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.

(D) Discovery conferences shall be recorded and shall be transcribed if necessary.

(E) 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.

(F) 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.

(G) The parties shall make an effort to not include confidential information in data request questions 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.

(J) Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and 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 issued by or to Staff, will be served on counsel for 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. 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 responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

WHEREFORE, Staff and the Office of the Public Counsel pray that the Commission will establish the *Procedural Schedule and Discovery Conditions* as set out herein.

Respectfully submitted,

/s/ Kevin A. Thompson

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Public Service Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served, by hand delivery, electronic mail, or First Class United States Mail, postage prepaid, to all parties of record on the Service List maintained for this case by the Data Center of the Missouri Public Service Commission, **on this 4th day of January, 2024.**

/s/ Kevin A. Thompson