

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 31st day of January, 2024.

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

File No. EC-2024-0092

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: January 31, 2024

Effective Date: January 31, 2024

On September 15, 2023, the Commission's Staff (Staff) filed the above-referenced complaint. On January 4, 2024, Staff and the Office of the Public Counsel filed a Proposed Procedural Schedule. On January 9, 2024, Evergy Metro, Inc. d/b/a Evergy Missouri Metro, and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, ~~Inc.~~ (collectively, Evergy) filed its own Proposed Procedural Schedule.

The Commission finds Evergy's proposed schedule appropriate, and will adopt it, with slight modifications. To ensure that discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2016, by delegating its

authority to the presiding regulatory law judge to rule on discovery disputes raised at the discovery conference and to rule on all motions to compel discovery.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Staff Direct	-	February 22, 2024
Rebuttal	-	May 6, 2024
Surrebuttal	-	June 6, 2024
Discovery Cut-off	-	June 9, 2024
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	June 14, 2024
Position Statements	-	June 21, 2024
Hearing	-	June 26-28, 2024, beginning the first day at 9:00 a.m.
Initial Briefs	-	July 16, 2024
Reply Briefs	-	July 30, 2024

2. The parties shall comply with the following procedural requirements:

- (A) The parties shall file prepared written testimony pursuant to 20 CSR 4240-2.130, according to the schedule set out above.
- (B) 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.

- (C) 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.
- (D) 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.
- (E) No data requests or other discovery requests may be served on any party after the Discovery Cut-off Date.
- (F) The Parties shall abide by the following additional discovery provisions:
 - i. Discovery conferences shall be held on one week's prior notice to all parties.
 - ii. Discovery conferences will be held virtually unless otherwise ordered. Each discovery conference will begin at 10:00 a.m.
 - iii. 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.

iv. Discovery conferences shall be recorded and shall be transcribed if necessary.

v. 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.

vi. 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.

vii. 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.

viii. 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.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

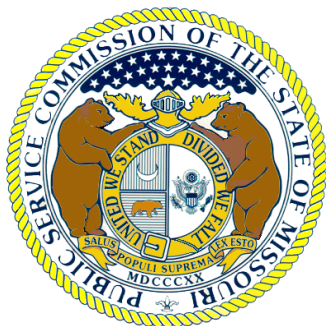
Pridgin, Deputy Chief Regulatory Law Judge

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 31st day of January 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 31, 2024

File/Case No. EC-2024-0092

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

Sincerely,



**Nancy Dippell
Secretary**

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