

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day of
December, 2021.

In the Matter of The Empire District Electric)
Company's d/b/a Liberty (Empire) Fuel Costs) **File No. EU-2021-0274**
Related to the Extraordinary Weather Event)
of February 2021)

ORDER ESTABLISHING PROCEDURAL SCHEDULE

Issue Date: December 15, 2021

Effective Date: December 15, 2021

On November 22, 2021, the Commission issued its Order Directing Filing of Proposed Procedural Schedule. Empire District Electric Company d/b/a Liberty (Liberty) and the Commission Staff (Staff) filed a Joint Proposed Procedural Schedule on December 2, 2021, to which the Office of the Public Counsel (OPC) filed a response the same day. The parties have asked the file be set for an evidentiary hearing on January 28, 2022, and the Commission will do so. The Commission will order the following procedural schedule.

THE COMMISSION ORDERS THAT:

Procedural Schedule

1. The following procedural schedule is established:

Activity	Date
Discovery Cutoff	December 30, 2021
Rebuttal Testimony	January 7, 2022
Surrebuttal Testimony	January 12, 2022

List of Issues, Order of Witnesses and Order of Cross-Examination	January 20, 2022
Statement of Positions	January 24, 2022
Evidentiary Hearing	January 28, 2022
Initial Briefs	February 17, 2022
Reply Briefs	March 4, 2022

Procedures

2. The Commission adopts the following procedures:
 - a. Work papers prepared in the course of developing a witness' testimony including schedules (whether filed separately or as part of a report) shall not be filed with the Commission, but shall be provided to each party within two (2) business days following the filing of the relevant testimony. Work papers containing confidential information should be marked in compliance with 20 CSR 4240 2.135. Counsel for each party shall undertake to advise other counsel if a sponsored witness has no work papers associated with a specific piece of testimony. Where work papers include models, spreadsheets or similar documents originally in a commonly available format, in which inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the work paper shall provide this type of information in that original format with formulas intact. Work papers shall be provided in electronic format by email or on a compact disc or other electronic storage media where appropriate.

- b. The Commission adopts the following discover procedures:
- i. All parties shall provide copies of testimony including schedules, exhibits and pleadings to other counsel of record by electronic means and in electronic form 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 exchange.
 - ii. Parties shall treat all confidential information with the appropriate designation and comply with all provisions of 20 CSR 4240 2.135.
 - iii. Data requests (DR) issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). If this is not feasible, Staff shall be contacted to arrange an appropriate alternative. Counsel for each party shall receive electronically from each party serving a DR, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued DRs, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that DR shall be considered a sufficient copy. If a party desires a copy of the responses to DRs served on another party, the party desiring a copy must request that copy from the party responding to that DR. DRs shall be emailed to counsel for the other parties to this

matter. Counsel may designate other personnel to be added to a service list for DRs, but shall assume the responsibility for enforcing such a request and ensuring the preservation of confidentiality.

- iv. Discovery disputes shall be handled in accordance with 20 CSR 4240-2.090.8. The parties shall endeavor to resolve discovery disputes without Commission intervention to the extent possible.
- v. Data request responses containing models, spreadsheets or similar documents originally in a commonly available format, in which inputs or parameters may be changed to observe changes in inputs or outputs, as discussed above shall be provided in their original format with formulas intact.
- vi. Data request deadlines are shortened to three (3) calendar days to object and seven (7) calendar days to respond for the remaining duration of the case.
- vii. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all parties via email.
- viii. 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.

- ix. 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.
- x. 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.
- xi. 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.

3. The Commission shall hold an evidentiary hearing beginning on January 28, 2022, at 9:00 a.m.

4. Participants shall appear at the evidentiary hearing telephonically via WebEx conference call. As the hearing will be live-streamed, the Commission requests interested persons who will not be actively participating in the hearing to watch or listen via the live-stream. The link and access code to participate in the hearing via WebEx conference call will be emailed to all parties. Anyone needing accommodations to participate should call the Public Service Commission's Hotline at 1.800.392.4211 (voice) or Relay Missouri at 711 before the evidentiary hearing.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Graham, 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 15th day of December, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 15, 2021

File/Case No. EU-2021-0274

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

City of Ozark, Missouri

Douglas Healy
3010 E. Battlefield, Suite A
Springfield, MO 65804
doug@healylawoffices.com

City of Ozark, Missouri

Terry M Jarrett
3010 East Battlefield, Suite A
Springfield, MO 65804
terry@healylawoffices.com

Liberty (Empire)

Diana C Carter
428 E. Capitol Avenue, Suite 303
Jefferson City, MO 65101
Diana.Carter@LibertyUtilities.com

Midwest Energy Consumers Group

David Woodsmall
308 E. High Street, Suite 204
Jefferson City, MO 65101
david.woodsmall@woodsmalllaw.com

**Missouri Public Service
Commission**

Whitney Payne
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
whitney.payne@psc.mo.gov

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

Sincerely,



**Morris L. Woodruff
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.