

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 3rd day of March, 2021.

In the Matter of The Empire District)
Electric Company's Application for)
Approval of a Transportation Electrification)
Portfolio for Electric Customers in its)
Missouri Service Area)

File No. ET-2020-0390

**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: March 3, 2021

Effective Date: March 3, 2021

On November 29, 2020, The Empire District Electric Company (Empire) applied for approval of a portfolio of transportation electrification pilot programs and accounting treatment pursuant to Section 393.140(8) RSMo. Empire states that the proposed portfolio of pilot programs are designed to accelerate electric technology adoption and provide utility customer, grid, and societal benefits. Empire proposes an initial pilot term of five years.

The Commission ordered its Staff (Staff) to file a recommendation, which Staff did on January 15, 2021. Staff's recommendation expressed concerns with the sample tariff sheets for the electrification program. Staff also expressed concern with establishing rates for the sale of electricity outside of a general rate proceeding. Staff recommended the Commission issue an order directing the parties to develop a procedural schedule with time for stakeholder participation.

The Commission ordered its Staff to file a procedural schedule on behalf of the parties. The Commission's Staff timely filed a proposed procedural schedule, which the Commission will adopt.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Bi-weekly technical conferences (including counsel)	10-11:00 a.m. on Fridays, starting February 19 and continuing through April 2
Empire Supplemental/Amended Testimony	April 9, 2021
Rebuttal Testimony (response time for DRs becomes 15 calendar days, with 5 business days to object)	May 7, 2021
Surrebuttal Testimony	May 28, 2021
Last Day to Request Discovery	June 7, 2021
List of Issues, List of Witnesses, and Order of Cross-Examination	June 7, 2021
Position Statements	June 11, 2021
Evidentiary Hearing	June 22-23, 2021

2. The parties shall appear for an evidentiary hearing at 8:30 a.m. on June 22, 2021, through June 23, 2021. The evidentiary hearing shall be held by video and teleconference via WebEx. Participants shall appear at the evidentiary hearing telephonically via WebEx video and telephone conference. The hearing will also be live-streamed via the Commission's website at www.psc.mo.gov. Interested persons who will not be actively participating in the hearing should access the hearing via the live stream. The link and access code to participate in the hearing via WebEx conference call will be

emailed to all parties.

3. Those who require additional accommodations to participate in this hearing may call the Public Service Commission's hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. All exhibits and presentations that any party intends to use at the hearing shall be emailed to the Regulatory Law Judge and counsel for each party no later than June 21, 2021.

5. The parties shall comply with the following additional procedural requirements:

- A. 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.
- B. 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.
- C. 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.
- D. All data requests, subpoenas, or other discovery requests shall be issued no later than June 7, 2021.
- E. Testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

- F. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position concerning the remaining unresolved issues that are to be decided by the Commission.
- G. Data requests issued to or by Staff shall be submitted and responded to in the Commission's 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 data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires a copy of the responses to data requests served on another party, the party desiring a copy must request that copy from the party responding to that data request. Data requests 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 data requests, but shall assume the responsibility for enforcing such a request and ensuring the preservation of confidentiality.
- H. The response time for all data requests shall be twenty (20) calendar days, with seven (7) business days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After the filing of Rebuttal Testimony on May 7, 2021, the response time for all data requests will be fifteen (15) calendar days, with five (5) business days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information. 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.
- I. The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.
- J. Discovery disputes shall be handled in accordance with 20 CSR 4240-2.090.8. The parties commit to resolve discovery disputes without Commission intervention to the extent possible.
- K. Workpapers 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 business days following the filing of the relevant testimony. Workpapers 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 workpapers associated with a specific piece of testimony. Where workpapers 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 workpaper shall provide this type of information in that original format with formulas intact.

- L. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all parties via email.
- M. Exhibit numbers are assigned in the following manner:

Staff	1 – 100
Liberty (Empire)	101 – 200
Public Counsel	201 – 300
Charge Point	301 – 400
MECG	401 – 500
Renew Missouri	501 – 600
Mo Propane Gas Assoc.	601 – 700

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Complainant has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public exhibit two would be marked as Exhibit 2, whereas the confidential exhibit two would be marked as Exhibit 2C.

- N. Each party shall prepare a list of its exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than June 21, 2021. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

6. 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., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Clark, Senior Regulatory Law Judge