

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

In the Matter of the Request of The Empire)
District Electric Company d/b/a Liberty for)
Authority to File Tariffs Increasing Rates)
for Electric Service Provided to Customers)
In its Missouri Service Area)

Case No. ER-2024-0261

**PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING
FILING OF PROPOSED UPDATED PROCEDURAL SCHEDULE**

COMES NOW the Office of Public Counsel (“Public Counsel”) and responds to the Commission’s order directing the parties to file an updated proposed procedural schedule as follows:

1. With its *Order Denying Motion for Relief* that it issued on April 3, 2025, the Commission clarified that it views that the test year and update period of the twelve months ended September 30, 2023, updated through September 30, 2024, it ordered on December 13, 2024, controls for purposes of Liberty’s February 26, 2025, general rate case application and ordered the parties to file by April 14, 2025, either joint or separate recommendations regarding a true-up.

2. Based on the Commission clarifying that the test year for this case still is the twelve months ended September 30, 2023, updated through September 30, 2024, Public Counsel proposes a true-up period ending June 30, 2025. June 30, 2025, is a reasonable compromise for balancing the timely processing of this case with the workload of processing isolated adjustments to cost-of-service components that materially impact a utility’s cost-of-service to update amounts for those components based on the true-up period.

3. Public Counsel concurs with the other parties to making isolated adjustments to the following cost-of-service components based on the true-up period: capital structure; cost of debt; all rate base components; customer growth/loss; depreciation expense; amortization expense

(intangible & regulatory assets/liabilities); property tax; payroll and associated items (*i.e.*, OT, benefits, payroll taxes); Pension and OPEB (FAS 87/106); fuel and purchase power expense, to include, but not be limited to, updated contract prices for fuel, wind power, fuel transportation and fuel storage; rate case expense; and Income Tax Expense

4. Consistent with its true-up recommendation, and taking into consideration its workload, including the timing of ordered events in Case No. GR-2025-0107, Public Counsel proposes the following updated procedural schedule:¹

4/17/2025	Discovery Conference
5/15/2025	Discovery Conference
6/12/2025	Discovery Conference
7/9/2025	Staff/Intervenor Direct Testimony-Revenue Requirement updated through September 30, 2024, with projected true-up through June 30, 2025, using actual historical data to the extent practicable
7/16/2025	Discovery Conference
7/25/2025	Staff/Intervenor Testimony-Rate Design
7/29/2025	Technical Conference
8/11-15/2025	LPHs during this week
8/14/2025	Discovery Conference
8/22/2025	Rebuttal Testimony
8/28/2025	Settlement Conference
9/1/2025	Labor Day
9/11/2025	Discovery Conference
8/29/2025	Cut-off date by which Liberty provides all true-up information
9/22/2025	Surrebuttal Testimony & true-up direct
9/25-26/2025	Settlement Conference
9/29/2025	List of Issues, Order of Witnesses, Stipulation of Facts
10/3/2025	Position Statements
10/3/2025	Cut-off for Discovery (last day to depose witnesses, last day to issue other discovery)
10/13/2025	Columbus Day
10/15-23/2025	Evidentiary Hearing
11/11/2025	Veterans Day
11/14/2025	Initial Briefs

¹ If necessary, the Commission can extend the tariff suspension date up to January 26, 2026.

11/21/2025	Reply Briefs
11/27/2025	Thanksgiving Day
12/25/2025	Christmas
1/1/2026	New Years Day
1/2/2026	Current End of Tariff Suspension Date

5. As part of any procedural schedule the Commission also should include the following:

- A. That 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 (2) business days following the filing of the relevant testimony. Workpapers containing confidential or highly confidential information should be marked in compliance with 20 CSR 4240-2.135 and the protective order in this case. 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. Workpapers shall be provided in electronic format by email or on a compact disc or other electronic storage media where appropriate.
- B. That 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.
- C. That parties shall treat all confidential information with the appropriate designation and comply with all provisions of 20 CSR 4240 2.135. Parties shall treat all highly confidential information with the appropriate designation and comply with all provisions of the protective order in this case.
- D. That public documents filed in the Commission's Electronic Filing and Information System (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.
- E. That data requests (DR) issued to or by Staff shall be submitted and responded to in EFIS. 20 CSR 4240 2.090(2)(H). 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. DR responses should be served on counsel for the requesting party electronically, if feasible, pursuant to Commission rules. The Company's responses to Staff's DRs will be available to other parties on EFIS.

- F. That DRs issued after 5:00 p.m. are treated as having been issued the following calendar day. All DR responses are due on the designated date no later than 5:00 p.m. Pursuant to 20 CSR 4240 2.090.2(D) initially the response time for DRs is 20 days from the date of request with objections being served no later than 10 days from the request date. Starting on the filing date of rebuttal testimony, those response times will decrease to 10 calendar days to respond to data requests and 5 business days to object or notify more time needed, and starting on the filing date of surrebuttal testimony, those times will decrease to 5 calendar days to respond to data requests and 2 business days to object or notify more time is needed.
- G. That, except that the parties must confer before bringing a discovery dispute before the Commission, the provisions of 20 CSR 4240 2.090.8 are waived. That the parties are to resolve discovery disputes without Commission intervention to the extent possible.
- H. That not less than two 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, identifying any other parties involved, and state that the parties have conferred and were unable to resolve their dispute. 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. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.
- I. That testimony shall be prefiled 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.
- J. That parties need not provide copies of prefiled testimony and other prefiled documents that are offered into evidence for marking and admission into evidence.
- O. That blocks of exhibit numbers be preassigned to parties for prefiled testimony and other documents intended to be offered into evidence.

Wherefore, the Office of Public Counsel proposes a true-up period ending June 30, 2025, and the foregoing procedural schedule based on that true-up cut-off date as an appropriate updated procedural scheduled for this case.

Respectfully,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of April 2025.

/s/ Nathan Williams