

**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	)	<b><u>File No. ER-2024-0261</u></b>
Authority to File Tariffs Increasing Rates for	)	Tracking No. JE-2025-0127
Electric Service Provided to Customers In its	)	
Missouri Service Area	)	

**UPDATED NON-UNANIMOUS JOINT PROPOSED  
PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”),  
on behalf of the parties,<sup>1</sup> respectfully submits as follows:

1. On February 26, 2025, The Empire District Electric Company d/b/a Liberty (“Empire” or “Company”) filed tariff sheets with the Missouri Public Service Commission (“Commission”) designed to increase its gross annual electric revenues.
2. On March 5, 2025, the Commission directed the parties to file an updated proposed procedural schedule no later than March 26, 2025.
3. On March 25, 2025, the Office of the Public Counsel (“OPC”) filed a Motion for Extension of Time to File an Updated Procedural Schedule, which requested an extension of time due to two motions pending before the Commission. The Commission partially granted OPC’s request and extended the deadline to submit a proposed procedural schedule to April 7, 2025.
4. On April 3, 2025, the Commission issued an order denying OPC’s motion for relief and providing that by no later than April 14, 2025, the parties shall jointly submit an

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<sup>1</sup> The Empire District Electric Company, the Midwest Energy Consumers Group (“MECG”), Influent Energy (“Influent”), the Empire District Retired Members & Spouses Association, LLC. (“EDRA”), Renew Missouri, and the International Brotherhood of Electrical Workers Local Union No. 1474 (“Local 1474”), joins Staff in this proposal.

agreed-upon end date for a true-up period or statements why no true-up period is necessary.

### **Proposed Procedural Schedule**

5. Staff, on behalf of Empire, MECG, Influent, EDRA, Renew Missouri, and Local 1474, requests that the Commission adopt the following procedural schedule which includes a true-up period ending March 31, 2025. The true-up process will be for the sole purpose of updating the following items: 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. Parties may also propose the incorporation of discrete adjustments beyond the true-up period, provided they are known and measurable.

<b><u>Item</u></b>	<b><u>Date</u></b>
Filing Date	February 26, 2024
True-Up Period End	March 31, 2025
Discovery Conference	April 17, 2025
Discovery Conference	May 23, 2025
True-up Data Request Responses due to Parties	May 30, 2025
True-Up Direct Revenue Requirement Workpapers Provided to the Parties	June 30, 2025
Direct Testimony-Revenue Requirement	July 2, 2025
Technical Conference	July 16, 2025
Direct Testimony-Rate Design	July 21, 2025
Local Public Hearing Week	July 21 through 25, 2025
Rebuttal Testimony	August 18, 2025
Settlement Conference	August 25, 2025

Discovery Conference	September 3, 2025
Surrebuttal/True-Up Testimony	September 15, 2025
Settlement Conference	September 17 through 18, 2025
True-Up Rebuttal	September 22, 2025
List of Issues, Order of Witnesses, Stipulation of Facts	September 23, 2025
Cutoff for Discovery, Responses, and Depositions	September 25, 2025
Position Statements	September 26, 2025
Hearing	October 6 through 17, 2025
Initial Briefs	November 6, 2025
Reply Briefs	November 14, 2025
Operation of Law Date	January 2, 2026

### **Discovery Procedures**

6. The Parties, including Staff, Empire, MEEG, Influent, EDRA, and Renew Missouri request that the Commission adopt the following procedures regarding discovery:

- a. All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially 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 exchanging it.
- b. Parties shall make all reasonable efforts to not include confidential information in data requests. If confidential information must be included in data requests, the confidential information will be appropriately designated as such pursuant to 20 CSR 4240-2.135.
- c. Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System ("EFIS"), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically from each other 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 the

response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on 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. Empire's responses to Staff data requests will be available to other parties on EFIS. In addition, Empire's responses to all parties' data requests will be available for review on ShareFile for parties who complete the requirements for accessing the ShareFile system.

- d. Until the filing of Rebuttal testimony, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After the filing of Rebuttal testimony (August 18, 2025) and before the filing of Surrebuttal/True-Up testimony (September 15, 2025), the response time for data requests shall be 10 calendar days to provide the requested information, and five (5) business days to object or notify that more than 10 calendar days will be needed to provide the requested information. After the filing of Surrebuttal/True-Up testimony (September 15, 2025), the response time for data requests shall be five (5) calendar days to provide the requested information, and two (2) business days to object or notify that more than five(5) calendar days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day. The Commission may rule on discovery motions filed after Surrebuttal testimony is filed without holding the conference required by 20 CSR 4240- 2.090(8)(B).
- e. New or revised workpapers created after June 30, 2025, shall be provided to parties no later than the date true-up testimony is due. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked and comply with the other requirements of rule 20 CSR 4240-2.135(2)(B). Workpapers containing highly confidential information shall be appropriately marked and otherwise comply with the Commission's protective order issued November 5, 2024. Counsel shall undertake to

advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

- f. 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 with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- g. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.
- h. The Parties request expedited transcripts for the evidentiary hearing, with transcripts to be filed in EFIS no later than October 24, 2025. Without expedited treatment, Parties will have little time to correct issues, if any occur, potentially delaying the post-hearing brief filings.<sup>2</sup> This request is necessary to accommodate the concurrent procedural schedules of several other large rate cases before the Commission.

**WHEREFORE**, on behalf of the Parties, including Staff, Empire, MCEG, Influent, EDRA, Renew Missouri, and Local 1474, Staff respectfully proposes this procedural schedule in compliance with the Commission's March 5, 2025, order.

Respectfully submitted,

**/s/ Eric Vandergriff**

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<sup>2</sup> In ER-2022-0129 and ER-2022-0130, the Parties requested for and was granted a one-week extension to file its post-hearing briefs due to transcript preparation delays, and the press of other Commission business.

In EA-2023-0017, Staff filed for and was granted an extension because part of the transcripts were not delivered until two days before the filings due date.

**CERTIFICATE OF SERVICE**

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

**/s/ Eric Vandergriff**