

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

In the Matter of the Sixth Prudence	)	
Review of Costs Subject to the	)	
Commission-Approved Fuel Adjustment	)	Case No. EO-2017-0065
Clause of The Empire District Electric	)	
Company	)	

**PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Office of the Public Counsel, The Empire District Electric Company, and the Staff of the Public Service Commission (“The Parties”), and propose the following procedural schedule and procedural requirements:

1. The Parties propose the Commission order the following procedural dates:

Direct Testimony	5/19/17
Rebuttal Testimony	6/22/17
Surrebuttal Testimony	7/27/17
List of Issues and Witnesses	8/10/17
Position Statements	8/17/17
Evidentiary Hearing	8/23/17- 8/24/17
Initial Briefs	10/5/17
Reply Briefs	10/26/17

2. The Parties also propose the Commission order the parties to follow the following 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.

(c) If part of testimony or documents are pre-filed 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 pre-filed 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.

(d) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel 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 (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.

(e) 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 highly confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

(f) 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 highly confidential or proprietary 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, objections to data requests, and notifications respecting the need for additional time to respond to 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. Responses to data requests Staff issues shall be submitted in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible. All data requests to Staff will be submitted in EFIS.

(g) The parties shall make an effort to not include highly confidential or proprietary information in data requests. If highly confidential or proprietary information must be included in a data request, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

(h) Until direct testimony is filed, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After direct testimony, the response time for data requests shall be ten (10) calendar days to provide the requested information and five (5) business days to object or notify the requesting party that more than ten (10) 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) Data requests sent after 5:00 p.m. will be considered served on the next business day.

(j) 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 highly confidential or proprietary information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

(k) 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, 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.

WHEREFORE, the Parties jointly propose the attached Procedural Schedule and request that the Commission impose the procedural requirements above in its order that sets the procedural schedule for this case.

Respectfully submitted,

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<p><u>/s/ Diana C. Carter</u> Diana C. Carter MO Bar #50527 BRYDON, SWEARENGEN &amp; ENGLAND P.C. 312 East Capitol Avenue P.O. Box 456 Jefferson City, Missouri 65102 Telephone: (573) 635-7166 Facsimile: (573) 634-7431 E-mail: <a href="mailto:DCarter@BrydonLaw.com">DCarter@BrydonLaw.com</a> <b>Attorney for The Empire District Electric Company</b></p>	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 22<sup>nd</sup> day of March 2017

/s/ Marc Poston