

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Brandon)
Jessip for Change of Electric Supplier from)
Empire District Electric to New-Mac Electric)

File No. EO-2017-0277

ORDER SETTING PROCEDURAL SCHEDULE AND OTHER PROCEDURAL REQUIREMENTS

Issue Date: August 10, 2017

Effective Date: August 10, 2017

The Commission directed the Commission's Staff to file a joint proposed procedural schedule, and Staff complied with that order on August 4, 2017. The Commission will adopt the proposed procedural schedule and order additional procedural requirements.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Date	Event
Aug. 23, 2017	Direct testimony (Mr. Jessip)
Sept. 7, 2017	Rebuttal testimony (Empire, New-Mac, Staff)
Sept. 20, 2017	Last day to request discovery
Sept. 22, 2017	Surrebuttal testimony (all parties)
Sept. 26, 2017	Joint stipulation of non-disputed material facts
Oct. 2, 2017	Joint list of issues, order of witnesses, order of parties for cross-examination, order of opening statements
Oct. 4, 2017	Position statements
Oct. 10, 2017	Evidentiary hearing
Oct. 27, 2017	Initial briefs
Nov. 15, 2017	Reply briefs

2. The evidentiary hearing is scheduled for October 10, 2017, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that

meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

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

- A. 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. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- B. 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 email. The parties shall obtain highly confidential documents from EFIS and shall not serve those documents via email.
- C. Whenever possible data request questions should not contain either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be prominently marked and appropriately designated as such pursuant to 4 CSR 240-2.135.
- D. 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. Data request responses shall be served electronically, if feasible and not voluminous as defined by Commission rule, on counsel for the requesting party, unless counsel for the requesting party requests otherwise in writing. Responses to Staff data requests must 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 must be submitted in EFIS.

- E. Any party seeking the response to a data request that has been issued by another party shall request a copy of the response from the party answering the data request.
- F. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- G. 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.
- H. For data requests issued prior to August 10, 2017, 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. For data requests issued after August 10, 2017, the response time for data requests shall be 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information. Data requests issued after 5:00 pm will be considered served on the next business day.
- I. Workpapers that were prepared in the course of developing a witness' testimony (including schedules) and exhibits should not be filed with the Commission, but shall be submitted to each party within 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 should 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.
- J. 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 the 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.

- K. All data requests, subpoenas, or other discovery requests or notices shall be issued no later than September 20, 2017.
- L. All filings made through the Commission's Electronic Filing and Information System (EFIS) will be timely filed if filed before midnight on the date the filing is due. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- M. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- N. The parties shall agree upon and Staff shall 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, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- O. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- P. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. 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 unresolved issues that the parties believe require decision by the Commission.
- Q. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If testimony or documents are pre-filed and served on the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter as an exhibit at the evidentiary hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- R. Exhibit numbers are assigned in the following manner:

Brandon Jessip	1-99
Commission's Staff	100-199

The Empire Dist. Elec. Co.	200-299
New-Mac Cooperative, Inc.	300-399

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers.

- S. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than October 6, 2017. 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.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 10th day of August, 2017.

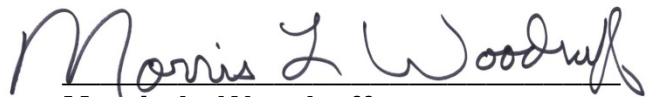
STATE OF MISSOURI

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 10th day of August 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 10, 2017

File/Case No. EO-2017-0277

**Missouri Public Service
Commission**

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**New-Mac Electric Cooperative,
Inc.**

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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.