

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

In the Matter of The Empire District Electric)
Company of Joplin, Missouri Tariffs Increasing)
Rates for Electric Service Provided to Customers)
in the Missouri Service Area of the Company)

File No. ER-2012-0345

DISCOVERY ORDER

Issue Date: July 20, 2012

Effective Date: July 20, 2012

On July 6, 2012, The Empire District Electric Company filed its formal request to increase rates for its utility service. In order to more efficiently and effectively process this case, the Commission issues this order scheduling discovery response times, discovery conferences and a deadline to complete discovery.

THE COMMISSION ORDERSTHAT:

1. Upon issuance of this order, the time allowed to respond to data requests will be 20 calendar days, with 10 calendar days allowed for objections to data requests.
2. Beginning on the date set for all other parties to file direct testimony, the time allowed to respond to data requests will be 15 calendar days, with 7 calendar days allowed for objections to data requests.
3. Beginning on the date set for parties to file rebuttal testimony, the time allowed to respond to data requests will be 10 calendar days, with 5 calendar days allowed for objections to data requests.
4. All data requests, subpoenas, or other discovery requests shall be issued no later than January 10, 2013.

5. All motions to compel a response to any discovery request shall be filed no later than January 29, 2013.

6. The following conditions shall apply to all data requests:

- A. Data request responses will be served on counsel for the requesting party 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.
- B. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- C. Counsel for each party shall receive electronically from each other party, an electronic copy of the text of all data request "descriptions" served by that party on another party in the case contemporaneously with service of the request. 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.
- D. 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.
- E. 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 – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary – thus, if a party wants a copy of a data request response by The Empire District Electric Company to a Staff data request, the party should ask Empire, not the Staff, for a copy of the data request response unless there are appropriate reasons to direct the discovery to the party originally requesting the material.
- 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.

7. Discovery conferences will be held on September 5, 2012, October 3, 2012, November 7, 2012, December 5, 2012 and January 30, 2013. The parties shall bring a complete list of all outstanding data requests to each discovery conference. Any party that wishes to participate in the discovery conference by telephone will be notified of the telephone conference number prior to the time set for the conference. Parties participating by phone shall file a complete list of all outstanding data requests no later than one day prior to the conference.

8. Discovery conferences shall be held at the Commission's office at the Governor Office Building, at 1:30 p.m. in Room 305, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Any person or entity requiring additional accommodations to participate in this hearing shall call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

9. Discovery conferences shall be on the record and transcribed by a court reporter.

10. The requirement in Commission Rule 4 CSR 240-2.090 that party must hold a telephone conference with the Presiding Officer prior to filing a discovery motion is waived.

11. Any party seeking reconsideration of a ruling on discovery shall file a motion for reconsideration no later than five business days following the ruling.

12. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', written over a faint circular stamp.

Steven C. Reed
Secretary

(S E A L)

Michael Bushmann, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of July, 2012.