

**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**

**ORDER SETTING PROCEDURAL SCHEDULE, ESTABLISHING TEST YEAR,  
ESTABLISHING OTHER PROCEDURAL REQUIREMENTS, AND ADOPTING  
PROPOSED CUSTOMER NOTICE WITH MODIFICATIONS**

Issue Date: August 6, 2012

Effective Date: August 6, 2012

On July 6, 2012, The Empire District Electric Company submitted tariff sheets designed to implement general and interim rate increases for utility service. The Commission issued notice and established various filing deadlines, including those for a proposed procedural schedule, recommendations on test year and update period, proposals for local public hearings, and a copy of the proposed customer notice.

On July 25, 2012, the parties jointly filed a proposed procedural schedule. Those same parties also made recommendations for the test year and update period, dates and locations for local public hearings, additional procedural requirements, and submitted a copy of a proposed customer notice. The Commission will adopt the proposals and customer notice with modifications to some filing dates to allow the Commission more time to consider the evidence presented at the hearing. The Commission will also amend certain dates in the *Discovery Order* issued on July 20, 2012 and order additional procedural requirements.

**THE COMMISSION ORDERS THAT:**

1. The test year for this case is the twelve month period ending March 31, 2012, updated for known and measureable changes through June 30, 2012. The true-up period shall be through December 31, 2012.

2. The following procedural schedule is established for the interim rate request:

<b>Date</b>	<b>Event</b>
August 20, 2012	Rebuttal testimony
August 27, 2012	Surrebuttal and Cross-Surrebuttal Testimony
August 29, 2012	List of Issues, List of Witnesses, Order of Witnesses, Order of Parties for Cross-Examination, Order of Opening Statements
Sept. 4, 2012	Position Statements
Sept. 10-11, 2012	Evidentiary Hearing
Sept. 13, 2012	Expedited Transcripts
Sept. 20, 2012	Simultaneous Post-Hearing Briefs
October 1, 2012	Reply Briefs

3. With regard to data requests relating to the interim rate request, parties shall respond to such requests within five (5) days of the request, and any objection to such data requests and any notification of the need for additional time to respond to such requests shall be due within three (3) days of the request.

4. The following procedural schedule is established for the general rate request:

<b>Date</b>	<b>Event</b>
Nov. 21 - Dec. 21, 2012	Public Notices Mailed
Nov. 30, 2012	Revenue Requirement Direct (Non-Empire)
Dec. 13, 2012	Rate Design Direct (Non-Empire)
Jan. 3, 2013	Local Public Hearings in Joplin (noon and evening)
Jan. 4, 2013	Local Public Hearing in Reeds Spring (noon)
Jan. 7-11, 2013	Settlement Conference
Jan. 14, 2013	Informal Preliminary Issues List (not filed)
Jan. 15, 2013	Rebuttal Testimony
Feb. 1, 2013	Surrebuttal and Cross-Surrebuttal Testimony
Feb. 6, 2013	True-Up Information Provided to Parties
Feb. 6, 2013	Joint Stipulation of Non-Disputed Material Facts

Date	Event
Feb. 8, 2013	List of Issues, List of Witnesses, Order of Witnesses, Order of Parties for Cross-Examination, Order of Opening Statements
Feb. 12, 2013	Position Statements
Feb. 13, 2013	Reconciliation
Feb. 18 - Mar. 1, 2013	Evidentiary Hearing
March 5, 2013	Expedited Transcripts
March 14, 2013	True-Up Direct Testimony (if required)
March 18, 2013	True-Up Rebuttal Testimony (if required)
March 21-22, 2013	True-Up Hearing (if required)
April 1, 2013	Simultaneous Post-Hearing Briefs
April 1, 2013	Proposed Findings of Fact and Conclusions of Law
April 9, 2013	Reply and True-Up Briefs

5. The evidentiary hearings are scheduled for September 10-11, 2012 and February 18, 2013 through March 1, 2013, beginning at 8:30 a.m. The true-up hearing, if required, is scheduled for March 21-22, 2013, beginning at 8:30 a.m. The hearings will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearings 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.

6. Prehearing conferences, discovery conferences, and settlement conferences shall be held in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

7. Discovery conferences shall be held on September 5, 2012, October 3, 2012, November 7, 2012, December 5, 2012, January 16, 2013 and February 13, 2013.

8. All data requests, subpoenas, or other discovery requests shall be issued no later than February 1, 2013. This deadline does not apply to true-up issues.

9. All motions to compel a response to any discovery request shall be filed no later than February 12, 2013. This deadline does not apply to true-up issues.

10. 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. Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.
- C. If a party requests a data request response that has already been served on another party, and that request is received on or after the due date of the response, the responding party shall provide a copy of the response to the requesting party as soon as is reasonably practicable. However, if the request is received prior to the due date of the response, the responding party shall provide the response to all requesting parties contemporaneously. In no event shall a request for a copy of a response be considered to have initiated a new data request with new time limits.
- D. 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.

- E. 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.
- F. 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, and the order of party cross-examination for each witness. 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.
- G. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- H. 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.
- I. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the 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.
- J. The parties shall pre-number their hearing exhibits sequentially with individual party designation, as follows by example:
  - a.) Empire Exhibit No. 1, Empire Exhibit No. 2, Empire Exhibit No. 3, etc.
  - b.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
  - c.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- K. Each party shall prepare a comprehensive exhibit list before the evidentiary hearing with the listed exhibits numbered sequentially as directed in paragraph J. Copies of the exhibit lists shall be provided to the Commissioners and the Regulatory Law Judge at least two days prior to the hearing and to the Court Reporter at the beginning of the hearing.

11. To the extent that the Commission's procedural requirements previously issued on July 20, 2012 in the *Discovery Order* do not conflict with this order, those previously ordered requirements shall be followed.

12. The Empire District Electric Company's proposed customer notices are adopted, with the exception that evidentiary hearing dates shall be changed to reflect the dates required by this order.

13. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



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 6<sup>th</sup> day of August, 2012.