

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 6th day of April,
2017.

In the Matter of the Sixth Prudence Review)
of Costs Subject to the Commission-Approved)
Fuel Adjustment Clause of The Empire District)
Electric Company)

File No. EO-2017-0065

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: April 6, 2017

Effective Date: April 6, 2017

This case concerns Staff's sixth prudence review of The Empire District Electric Company's costs relating to its fuel adjustment clause. At the direction of the Commission, the parties filed a proposed procedural schedule on March 22, 2017. This order will adopt that procedural schedule.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Direct Testimony by All Parties - May 19, 2017

**Response time for data requests
becomes 10 calendar days to provide
the requested information and
5 business days to object or notify the
requesting party that more than 10
calendar days will be needed to provide
the requested Information - May 19, 2017**

Rebuttal Testimony by All Parties - June 22, 2017

Surrebuttal Testimony by All Parties - July 27, 2017

**List of Issues, Order of Witnesses,
Order of Cross-Examination, Order of
Opening Statements - August 10, 2017**

| | |
|------------------------------------|---|
| Statements of Position | - August 17, 2017 |
| Hearing | - August 23 and 24, 2017 beginning each day at 8:30 a.m. |
| Initial Post-Hearing Briefs | - October 5, 2017 |
| Reply Briefs | - October 26, 2017 |

2. The parties shall comply with 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 it.

(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.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

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

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge

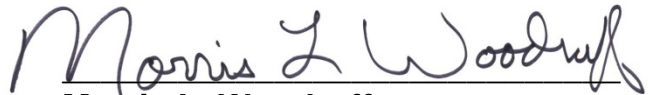
STATE OF MISSOURI

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 6th day of April 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 6, 2017

File/Case No. EO-2017-0065

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

City of Joplin, Missouri

Legal Department
602 S. Main
Joplin, MO 64801

**Empire District Electric
Company, The**

Legal Department
602 S. Joplin Avenue
P.O. Box 127
Joplin, MO 64802

**Midwest Energy Consumers
Group**

Legal Department
807 Winston Court
Jefferson City, MO 65101

**Midwest Energy Users'
Association**

Legal Department
3100 Broadway, Ste. 1209
Kansas City, MO 64111

Missouri Division of Energy

Legal Department
301 W. High St., Room 720
P.O. Box 1766
Jefferson City, MO 65102

**Missouri Public Service
Commission**

Bob Berlin
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
bob.berlin@psc.mo.gov

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.