

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

In the Matter of the Application of The Empire)
District Electric Company and The Empire)
District Gas Company for Approval of Their) **File No. AO-2012-0062**
Cost Allocation Manual)

**ORDER ACCEPTING JOINT PROPOSAL
REGARDING CERTAIN PROCEDURAL MATTERS**

Issue Date: August 5, 2016

Effective Date: August 5, 2016

On August 23, 2011, the Commission received the above-referenced application. Empire Electric and Empire Gas stated that they filed their Cost Application Manual (“CAM”) pursuant to an agreement in Empire Electric’s last rate case, File No. ER-2011-0004. The Commission issued notice of the application on August 25, and, in that notice, set a September 14 deadline to request intervention. The Commission received no intervention requests.

The parties attempted to negotiate a settlement since 2011 but have been unable to resolve their differences. Thus, on July 29, 2016, Empire Electric, Empire Gas, the Staff of the Commission and the Office of the Public Counsel filed a Joint Proposal Regarding Certain Procedural Matters. Given the consensus of the parties, the Commission finds the proposal reasonable and will order it implemented.

THE COMMISSION ORDERS THAT:

1. The Joint Proposal Regarding Certain Procedural Matters is adopted, and the parties are ordered to comply with the Joint Proposal.

2. The following procedural schedule is established:

Early technical conference	-	August 11, 2016¹
List of areas of agreement and non-agreement	-	August 25, 2016
Direct Testimony	-	September 9, 2016
Technical conference	-	September 26, 2016²
Rebuttal Testimony	-	October 21, 2016
Technical conference	-	November 1, 2016
Surrebuttal Testimony	-	December 6, 2016
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	December 20, 2016
Position Statements	-	January 3, 2017
Hearing	-	January 10-12, 2017, beginning each day at 8:30 a.m.
Initial Post-Hearing Briefs	-	February 2, 2017
Reply Briefs	-	February 16, 2017

3. In order to facilitate the processing of this case, all parties will provide the other parties with copies of workpapers and items/materials referenced in their witness' filed testimony on the day of the filing of direct, rebuttal, and surrebuttal testimony. The Commission's Rule on Evidence defines prepared testimony direct, rebuttal and surrebuttal as follows: "[d]irect testimony shall include all testimony and exhibits asserting and explaining that party's entire case in chief" (4 CSR 240-2.130(7)(A));

¹ Room 310. All technical conferences are off the record.

² Room 305.

“[w]here all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party’s direct case (4 CSR 240-2.130(7)(B))”; and “surrebuttal testimony shall be limited to material which is responsive to matters raised in another party’s rebuttal testimony (4 CSR 240-2.130(7)(D)).”

4. The time for data request responses shall be as follows:

- (a) For data requests served before the filing of rebuttal testimony, the response time shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed; and
- (b) For data requests served on or after the filing of rebuttal testimony, the response time 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.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Ronald D. Pridgin, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of August, 2016.