

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

EARTH ISLAND INSTITUTE d/b/a	)	
RENEW MISSOURI, et al.,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. EC-2013-0379, et al.
	)	
KANSAS CITY POWER & LIGHT	)	
COMPANY	)	
	)	
Respondent.	)	

**JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE  
AND  
JOINT MOTION FOR EXPEDITED TREATMENT**

Under authority of, and in accordance with, 4 CSR 240-2.080 and 4 CSR 240-2.090, and for good cause shown, Kansas City Power & Light Company (“KCP&L”), KCP&L Greater Missouri Operations Company (“GMO”), Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), the Empire District Electric Company (“Empire”), Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”), the Missouri Coalition for the Environment (“MCE”), the Missouri Solar Energy Industries Association (“MOSEIA”), Wind on the Wires, The Alternative Energy Company, LLC, StraightUp Solar, and Missouri Solar Applications (all hereafter collectively referred to as “Joint Movants”), through their undersigned attorneys, hereby move the Missouri Public Service Commission (“Commission”) for an order modifying the procedural schedule previously for the above-captioned consolidated cases. In addition, because a quick decision on the motion to modify the current procedural schedule is critical to the orderly and timely processing of those cases, the Joint Movants further move for expedited

consideration of the motion to modify the current procedural schedule. The Joint Movants state the following in support of their motions:

1. On April 9, 2013, the Commission issued its *Order Consolidating Cases*, which consolidated Case Nos. EC-2013-0379, EC-2013-0380, EC-2013-0381, and EC-2013-0382 and also its *Order Adopting Procedural Schedule*, which adopted a procedural schedule for the consolidated cases. Critical filing dates established by the *Order Adopting Procedural Schedule* included the following:

Complainants' Direct Testimony	June 28, 2013
Data Request Time Changes to 15 Calendar Days to Respond and Calendar Days to Object or Notify Parties Additional Time is Necessary.	June 28, 2013
Respondents' Rebuttal Testimony	August 9, 2013
Data Request Time Changes to 15 Calendar Days to Respond and Calendar Days to Object or Notify Parties Additional Time is Necessary.	August 9, 2013
Dispositive Motions	August 23, 2013
Answers to Dispositive Motions	September 6, 2013
Complainants' Surrebuttal Testimony	September 30, 2013
List of Issues, List of Witnesses, Order of Cross, Order of Opening Statements	October 10, 2013
Position Statements	October 15, 2013
Hearing	October 22, 2013, 8:30 a.m.
Initial Post-Hearing Briefs	November 19, 2013
Reply Post-Hearing Briefs	December 3, 2013

2. Following the filing of parties' dispositive motions and answers to such, the Joint Movants commenced discussions regarding possible changes to the procedural schedule that would change the focus of that schedule from testimony and evidentiary hearings to resolving the purely legal issues underlying the four complaints. The legal issues involved are those identified and explained by the parties' respective dispositive motions, filed on August 23, 2013 and answered on September 6, 2013.

3. To effectuate the change in focus referenced in the preceding paragraph, the Joint Movants respectfully request that the Commission schedule oral argument of the dispositive motions, to be held as soon as practicable. Joint Movants propose the following date(s) for oral argument on the dispositive motions: October 22, 2013, the date currently reserved for the evidentiary hearing. The Joint Movants further propose that the balance of the current procedural schedule in the consolidated cases be suspended until the Commission issues a ruling on the dispositive motions. If such a ruling fails to resolve the cases, a prehearing conference among the parties can then be convened to establish the balance of the modified procedural schedule to address the remaining issues in the complaints.

4. Prior to the filing of this motion, Joint Movants consulted with the other parties to the consolidated cases – the Commission Staff, the Office of the Public Counsel, and the Missouri Industrial Energy Consumers – and each of those parties has authorized the Joint Movants to represent to the Commission that those parties do not object to the changes to the procedural schedule that are proposed in this motion.

5. Because the current procedural schedule requires respondents to file surrebuttal testimony on September 30, 2013, there is a need for the Commission to expedite its consideration of this motion. If the Commission grants the motion, the parties can re-focus their efforts toward resolution of the legal issues that underlie the consolidated complaints through oral argument on the dispositive motions. If the Commission denies the motion, the parties can move forward with the deadlines prescribed in the current schedule. Because time is of the essence, good cause exists for the Commission to grant the request for expedited treatment. And also because no party objects to the changes to the procedural schedule proposed by the Joint Movants, expedited treatment of the motion to modify the procedural schedule should not

impose an undue burden on the Commission. Consequently, Joint Movants request the Commission to issue a decision on the pending motions by Friday, September 26, 2013, if possible.

WHEREFORE, for all of the reasons stated above, Joint Movants ask the Commission to grant the motion to suspend the procedural schedule and set oral argument in consolidated Case Nos. EC-2013-0379, EC-2013-0380, EC-2013-0381, and EC-2013-0382, to grant the request for expedited treatment of that motion, and to further grant Joint Movants such other relief as the Commission deems appropriate.

Respectfully submitted,

By:

/s/ Andrew J Linhares  
Andrew J Linhares MBE#63973  
910 E. Broadway, Ste. 205  
Columbia, MO 65201  
Phone: (314) 471-9973  
Fax: (314) 558-8450  
E-mail: [Andrew@renewmo.org](mailto:Andrew@renewmo.org)

/s/ Henry Robertson  
Henry Robertson MBE#29502  
Great Rivers Environmental Law Center  
705 Olive Street, Suite 614  
St. Louis, MO 63101-2208  
Phone: (314) 231-4181  
Fax: (314) 231-4184  
E-mail: [hrobertson@greatriverslaw.org](mailto:hrobertson@greatriverslaw.org)

ATTORNEYS FOR EARTH ISLAND  
INSTITUTE d/b/a RENEW MISSOURI,  
THE MISSOURI COALITION FOR THE  
ENVIRONMENT, THE MISSOURI  
SOLAR ENERGY INDUSTRIES  
ASSOCIATION, WIND ON THE WIRES,  
THE ALTERNATIVE ENERGY  
COMPANY, LLC, STRAIGHTUP SOLAR,  
AND MISSOURI SOLAR APPLICATIONS

/s/ Wendy K. Tatro  
Wendy K. Tatro MBE#60261  
Associate General Counsel  
Ameren Missouri  
1901 Chouteau  
P.O. Box 149 (MC 1310)  
St. Louis, MO 63116  
Phone: (314) 554-3484  
Fax: (314) 554-4014  
E-mail: [AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com)  
ATTORNEY FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI

/s/ L. Russell Mitten  
L. Russel Mitten MBE#27881  
Paul A. Boudreau MBE #33155  
BRYDON, SWEARENGEN & ENGLAND, PC  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
Phone: (573) 635-7166  
Fax: (573) 634-7431  
E-mail: [rmitten@brydonlaw.com](mailto:rmitten@brydonlaw.com)

ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

/s/ James M. Fischer

James M. Fischer MBE#27543

FISCHER & DORITY, P.C.

101 Madison Street, Suite 400

Jefferson City, MO 65109

Phone: (573) 636-6758

Fax: (573) 636-0383

E-mail: jfischerpc@aol.com

ATTORNEY FOR KANSAS CITY POWER &  
LIGHT COMPANY AND KCP&L GREATER  
MISSOURI OPERATIONS COMPANY

### **CERTIFICATE OF SERVICE**

I hereby certify that an electronic copy of the foregoing was served, via e-mail, on counsel for each of parties of record on the 26<sup>th</sup> day of September, 2013.

/s/ Andrew J. Linhares