

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

<b>AG PROCESSING INC</b>	)	
<b>A COOPERATIVE,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. HC-2010-0235</b>
	)	
<b>KCP&amp;L GREATER MISSOURI</b>	)	
<b>OPERATIONS COMPANY,</b>	)	
	)	
<b>Respondent.</b>	)	

**PROPOSED PROCEDURAL SCHEDULE  
AND OTHER CONDITIONS**

On January 28, 2010, Ag Processing Inc a Cooperative (“AGP”), filed a Complaint against KCP&L Greater Missouri Operations Company, f/k/a Aquila, Inc., d/b/a Aquila Networks-L&P (“GMO”). The complaint consists of two counts related to the two annual rate adjustment periods for the Quarterly Cost Adjustment (QCA) mechanism for steam fuel costs. These two rate adjustment periods are for calendar years 2006 and 2007 and correspond to Commission File Nos. HR-2007-0028 and HR-2007-0399. The complaint was originally filed in these two cases but was later transferred to the above case which was established as a contested case.<sup>1</sup>

GMO filed its Motion to Dismiss, Answer, and Affirmative Defenses on March 15, 2010, in which it denied many of AGP’s allegations and requested that

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<sup>1</sup> Order Separating Complaint, February 11, 2010.

the Commission dismiss the Complaint with prejudice. AGP filed its response to the motion to dismiss on March 25, 2010, to which GMO replied on April 5, 2010. On May 17, 2010 the Commission directed that a prehearing conference be held at which the parties would seek to agree on a procedural schedule for the handling of this complaint. The parties were directed to jointly file a proposed procedural schedule that would establish dates for the filing of a list of the issues to be determined by the Commission and statements by the parties of their position on each such issue, include a date for the filing of a list of the witnesses to be called on each day of hearing, the order in which they shall appear and the order of cross-examination agreed upon by the parties. The proposed procedural schedule should also propose dates for the hearing of this matter.

In response the parties met as directed on June 21, 2010 and hereby propose the following procedural schedule (all dates being in 2010):

Direct testimony from Complainant	September 15
Testimony from Respondent	October 15
Rebuttal testimony From Complainant	October 29
List of Issues, witnesses, Order of witnesses and Order of cross-examination	November 5
Position Statements	November 12
Evidentiary Hearing	November 18-19, 22

The parties also respectfully request that any scheduling order include the following agreed conditions:

1. 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. Information provided electronically shall not be provided in a manner that restricts forwarding of that information.
2. 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 a party desires the response to a data request that has been served on another party, the party desiring a copy of the response should request a copy of the response from the party answering the data request. 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. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality. 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.
3. An effort should be made to not include in data request questions either highly confidential or proprietary information. 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.
4. 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.
5. 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.

6. For purposes of this case, the Staff requests the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed no later than midnight on the date the filing is due.
7. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing, *provided* that such e-mail not be of such a nature that restricts it from being forwarded.

**WHEREFORE** the parties respectfully request the Commission's Order in accordance with the above.

Respectfully submitted,

s/ Stuart W. Conrad  
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**ATTORNEY FOR THE STAFF OF THE  
MISSOURI PUBLIC SERVICE  
COMMISSION**

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **30<sup>th</sup> day of June, 2010**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson