

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

Earth Island Institute d/b/a
Renew Missouri, et al.

Complainants,

v.

Kansas City Power & Light Company

Respondent.

File No. EC-2013-0379 et al.

**ORDER DENYING JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE,
BUT EXTENDING TIME TO FILE SURREBUTTAL TESTIMONY**

Issue Date: September 27, 2013

Effective Date: September 27, 2013

These consolidated complaints are currently set for evidentiary hearing on October 22, 2013 with surrebuttal testimony due to be filed on September 30. On September 26, the complainants and each of the respondent electric utilities filed a joint motion asking the Commission to modify that procedural schedule. The other parties to the complaints, Staff, Public Counsel, and MIEC did not join in the motion, but the motion represents that those parties do not object to the proposed changes.

The motion explains that several parties have filed competing dispositive motions, contending that these complaints can be resolved on purely legal grounds. The Commission has not yet ruled on those motions and as a result, the parties are faced with filing surrebuttal testimony without knowing how the dispositive motions will be resolved. The movants ask the Commission to replace the October 22 evidentiary hearing with an oral argument on the dispositive motions. They also ask that the balance of the procedural schedule, including the obligation to file surrebuttal testimony, be suspended until after the Commission rules on the dispositive motions.

After considering the motion to modify the procedural schedule, the Commission finds that oral argument on the dispositive motions is unnecessary. The Commission is ready to rule on the various dispositive motions and anticipates issuing an order in that regard at its October 3, 2013 agenda meeting. Since the parties will not have seen that order when surrebuttal testimony is due to be filed on September 30, the Commission will delay the filing of surrebuttal testimony until after that order is issued. The Commission will leave the October 22 hearing on its calendar, but recognizes that the delay in filing surrebuttal testimony may necessitate the rescheduling of the evidentiary hearing. If the parties believe the evidentiary hearing should be rescheduled they may file an additional motion for that purpose.

THE COMMISSION ORDERS THAT:

1. The Joint Motion to Modify Procedural Schedule is denied.
2. The procedural schedule is modified to provide that surrebuttal testimony shall be filed on October 8, 2013.
3. This order shall become effective upon issuance.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of September, 2013.