

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

In the Matter of The Empire District Electric	)	
Company's Application for Approval of	)	
Demand-Side Programs and for Authority to	)	<u>File No. EO-2014-0030</u>
Establish a Demand-Side Programs	)	
Investment Mechanism	)	

MOTION TO MODIFY PROCEDURAL SCHEDULE AND REQUEST FOR VARIANCE

COMES NOW Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and hereby files this *Motion to Modify Procedural Schedule And Request For Variance* with the Missouri Public Service Commission ("Commission") and states as follows:

1. On December 10, 2013, the Commission issued its *Order Setting Procedural Schedule*. In an effort to allow more time to deliberate and write the Report and Order by the proposed deadline date of May 1, 2014, the *Order* changed the *Jointly Proposed Procedural Schedule* proposed by the Parties, reducing the amount of time for each event by two weeks, starting with the filing of rebuttal testimony.

2. As the Commission is aware, Rule 4 CSR 240-20.094 (3) requires the Commission to approve, approve with modification acceptable to the utility or reject a utility's Missouri Energy Efficiency Investment Act ("MEEIA") application for approval of demand-side program plans within one hundred twenty (120) days of the filing of the application. The Empire District Electric Company filed its *Application* October 29, 2013.

3. Prior experience with other utilities on similar MEEIA applications has shown additional time will be needed for a complete and thorough review of the case for recommendations presented to the Commission in rebuttal testimony.

4. To ensure that not only the Parties have time to adequately analyze the case, but also that there is sufficient time for the Commission to issue the Report and Order, Staff requests the ordered procedural schedule be modified to reflect the Jointly Proposed Procedural Schedule, except for extending the date of the issuance of the Report and Order by thirteen days, i.e., as follows:

<u>Event</u>	<u>Date</u>
First technical conference	December 6, 2013
Rebuttal testimony	January 23, 2014
Surrebuttal testimony	February 18, 2014
Data Request response times change to 5 calendar days to object and 10 calendar days to respond	February 18, 2014
List of Issues	February 25, 2014
Position Statements	March 5, 2014
Settlement Discussions	March 10, 2014
Order of Witnesses Order of Cross examination, Order Of Opening	March 14, 2014
Evidentiary Hearing	March 20-21, 2014
Initial Post-Hearing Briefs	April 4, 2014
Reply Briefs	April 11, 2014
Report and Order Issue Date	May 14, 2014

5. The proposed Report and Order extends the procedural schedule beyond the rule timeframe to about one hundred eighty (180) days. Pursuant to Rule 4 CSR 240-20.094 (9), the Commission may grant a variance from any provision of this rule for good cause shown.

6. The undersigned has consulted all the Parties in this matter and they do not object to modifying the date of the final Report and Order in this case to May 14, 2014, or until such time the Commission deems sufficient for it based on the case being submitted to the Commission on April 11, 2014 (the date for the filing of reply briefs).

7. Good cause exists not only because of the Parties' agreement to the schedule, but also to allow the Parties sufficient time to analyze and present their recommendation on the MEEIA *Application* providing a complete record for the Commission's information and consideration.

WHEREFORE, Staff files this *Motion to Modify Procedural Schedule And Request For Variance* and requests that the procedural schedule adopted in this case be modified as described above with the variance granted.

Respectfully submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

/s/ Akayla J. Jones

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been electronically mailed this 12th day of December, 2013, to all counsel of record in this proceeding.

/s/Akayla J. Jones