# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire	)	File No. EO-2018-0092
District Electric Company for Approval of Its	)	
Customer Savings Plan	)	

## ORDER DENYING MOTIONS TO SUSPEND PROCEDURAL SCHEDULE

Issue Date: May 7, 2018 Effective Date: May 7, 2018

On April 20, 2018, the Commission issued an order amending the procedural schedule at the request of all the parties in this proceeding. That order scheduled an evidentiary hearing for May 9-11, 2018. On May 2 and 3, 2018, the Office of the Public Counsel ("OPC") filed motions to suspend the procedural schedule ("Motions"), on the grounds that some signatories to a non-unanimous stipulation and agreement ("Agreement") notified OPC that they were proposing to revise several words in that Agreement, and OPC is now being deprived of an opportunity to respond. Also, OPC alleged that two parties failed to timely respond to several data requests, which information was necessary for OPC's witnesses to file affidavits by May 4, 2018 opposing the Agreement.

The signatories to the Agreement filed a response to the Motions on May 4, 2018, requesting that the Motions be denied. They argue that changing a few words in the Agreement is not material and only intended to reduce the number of issues for a Commission determination. The signatories also stated that answers to all outstanding data requests were provided to OPC on May 3, 2018. The signatories also informed the

Commission that a delay of the evidentiary hearing could threaten the viability of the projects described in the application due to the time-sensitive nature of those projects.

Commission Rule 4 CSR 240-2.115(2)(D) provides that when a timely objection is made to a non-unanimous stipulation and agreement it becomes merely a position statement of those signatory parties. Since OPC filed a timely objection to the Agreement, all issues remain for determination after a hearing. The revising of a few words in the Agreement does not create a sufficient reason for delaying the evidentiary hearing. OPC will have an adequate opportunity to question witnesses and make arguments to the Commission concerning that matter at the evidentiary hearing.

The Commission finds that OPC timely filed four affidavits in opposition to the Agreement by the deadline of May 4, 2018. Since the data requests have been answered and the affidavits have been filed, the Commission finds that reason for suspending the procedural schedule to be moot. While the procedural schedule has been expedited and may create some hardship on the parties, the Commission notes that all parties, including OPC, jointly requested that procedural schedule. The Commission will deny the Motions.

### THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's motions to suspend the procedural scheduled filed on May 2 and May 3, 2018, are denied.

2. This order shall be effective when issued.



Michael Bushmann, Senior Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri, on this 7<sup>th</sup> day of May, 2018.

BY THE COMMISSION

Morris L. Woodruff

Secretary

### STATE OF MISSOURI

### OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 7<sup>th</sup> day of May 2018.

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Morris L. Woodruff

**Secretary** 

### MISSOURI PUBLIC SERVICE COMMISSION

May 7, 2018

### File/Case No. EO-2018-0092

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### Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

Morris L. Woodruff

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Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.