

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Joint Application of the)
Empire District Electric Company, Liberty) Docket No. 16-EPDE-410-ACQ
Sub Corp. and Liberty Utilities (Central) Co.)
for Approval of an Agreement and Plan of)
Merger and for Other Related Relief.)

ORDER SETTING PROCEDURAL SCHEDULE

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On March 16, 2016, Empire District Electric Company (Empire) and Liberty Sub Corp. (LSC) and Liberty Utilities (Central) Co. (LU Central) (collectively Joint Applicants), filed an application with the Commission for approval of an agreement and plan of merger and for other related relief.
2. On March 21, 2016, The Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene and Motion for Protective Order and Discovery Order.
3. On May 10, 2016, the Commission entered the Order Designating Prehearing Officer; Granting Intervention to CURB; and Protective and Discovery Order.
4. On June 1, 2016, the Joint Applicants, Commission Staff and CURB filed a Joint Motion for Procedural Schedule, recommending an agreed schedule to the Commission for its review and approval.

5. Pursuant to the motion with minor modification, the Commission hereby adopts the following procedural schedule:

DATE	TIME	ACTION
September 29, 2016	5:00 pm	Staff and Intervenor Direct Testimony
October 6, 2016	5:00 pm	Staff and Intervenor Cross Testimony
October 20, 2016	5:00 pm	Rebuttal Testimony
October 31, 2016	5:00 pm	Settlement Agreement Due
November 4, 2016	5:00 pm	Testimony in Support of Settlement
November 4, 2016	5:00 pm	Testimony Opposing Settlement Due
November 17, 2016	9:00 am	Prehearing Conference, Third Floor Hearing Room, Kansas Corporation Commission
November 29 – December 1, 2016	9:00 am	Evidentiary Hearing, 1 st Floor Hearing Room, Kansas Corporation Commission
December 9, 2016	5:00 pm	Simultaneous Post-Hearing Briefs Due
January 10, 2017		Order due

6. The Commission agrees that a prehearing conference is needed prior to the evidentiary hearing to address any pending matters, to establish procedures to use during the evidentiary hearing, and to consider any other prehearing issues that will promote the orderly and prompt conduct of this proceeding.¹ To this end, the Commission sets the prehearing conference for November 17, 2016, beginning at 9:00 a.m. in the Commission's Third Floor Hearing Room, 1500 S.W. Arrowhead Road, Topeka, Kansas. Prehearing Officer, Dustin Kirk, telephone 785-271-3198, email address d.kirk@kcc.ks.gov, will preside. Any party who fails to attend or participate in the Prehearing Conference or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act (KAPA).² At the prehearing conference, this proceeding, without further notice, may be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by KAPA.³

¹ K.S.A. 77-517; K.S.A. 77-551(c).

² K.S.A. 77-516(c)(8); K.S.A. 77-520.

³ K.S.A. 77-516(c)(7).

7. In addition to the prehearing conference discussed above, the Commission schedules an evidentiary hearing, with the Commission presiding, to begin on November 29, 2016, beginning at 9:00 a.m., and continue, as needed and ordered by the Commission, through December 1, 2016, in the Commission's First Floor Hearing Room, 1500 S.W. Arrowhead Road, Topeka, Kansas. Any party who fails to attend or participate in the hearing or in any other stage of this proceeding may be held in default under the KAPA.⁴

8. The parties are still required to file pleadings with the Commission, and filing shall be made with the Commission's Docket Room before 5:00 p.m., on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m., on the date scheduled for service, shall be accompanied by a Motion to File Out of Time.

THEREFORE, THE COMMISSION ORDERS:

- A. The above procedural schedule is hereby adopted.
- B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.⁵
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

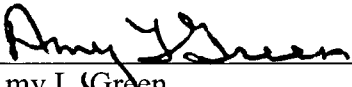
⁴ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁵ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner.

Dated: JUN 09 2016



Amy L. Green
Secretary to the Commission

DLK/sc

EMAILED

JUN 09 2016

CERTIFICATE OF SERVICE

16-EPDE-410-ACQ

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on JUN 09 2016.

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CERTIFICATE OF SERVICE

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