

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Received  
on

SEP 07 2016

In the Matter of the Joint Application of The )  
Empire District Electric Company, Liberty )  
Sub Corp. and Liberty Utilities (Central) Co. )  
for Approval of an Agreement and Plan of )  
Merger and for Other Related Relief )

by  
State Corporation Commission  
of Kansas

Docket No. 16-EPDE-410-ACQ

**JOINT MOTION TO AMEND PROCEDURAL SCHEDULE**

The Empire District Electric Company ("Empire"), Liberty Sub Corp. ("LSC"), Liberty Utilities (Central) Co. ("LU Central"), the Staff of the Kansas Corporation Commission ("Staff") and the Citizens' Utility Ratepayers Board ("CURB"), collectively referred to as the "Parties," request the State Corporation Commission of the State of Kansas ("Commission") grant this Joint Motion to Amend Procedural Schedule ("Joint Motion"). In support of the Joint Motion, the Parties state as follows:

1. On March 16, 2016, Empire, LSC and 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 May 10, 2016, the Commission granted intervention in this matter to CURB.
3. On June 1, 2016, the Parties filed a Joint Motion for a Procedural Schedule.
4. On June 9, 2016, the Commission issued an Order Setting Procedural Schedule.

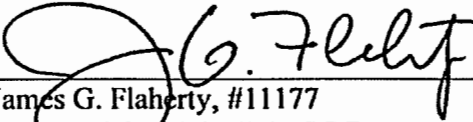
The schedule was as follows:

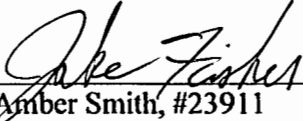
|                                |                                       |
|--------------------------------|---------------------------------------|
| September 29, 2016             | Staff and Intervenor Direct Testimony |
| October 6, 2016                | Staff and Intervenor Cross Testimony  |
| October 20, 2016               | Rebuttal Testimony                    |
| October 31, 2016               | Settlement Agreement Due              |
| November 4, 2016               | Testimony in Support of Settlement    |
| November 4, 2016               | Testimony Opposing Settlement Due     |
| November 17, 2016              | Prehearing Conference                 |
| November 29 - December 1, 2016 | Evidentiary Hearing                   |
| December 9, 2016               | Simultaneous Briefs Due               |
| January 10, 2017               | Order Due                             |

5. The Parties have reached an agreement in principal that would resolve all issues in this matter. Based upon that agreement, the Parties respectfully request the above-mentioned procedural schedule be modified and replaced with the following new schedule:

|                   |  |
|-------------------|--|
| October 6, 2016   | Staff and Intervenor Direct Testimony, Settlement Agreement and Testimony in Support of Settlement Agreement |
| October 25, 2016  | Prehearing Conference  |
| November 9, 2016  | Hearing on Settlement Agreement  |
| December 14, 2016 | Order Due Date   |

WHEREFORE, the Parties request the Commission issue an Order approving this Joint Motion to amend the procedural schedule in this matter as set forth in paragraph 5 of this Joint Motion.

  
James G. Flaherty, #11177  
**ANDERSON & BYRD, LLP**  
216 S. Hickory P. O. Box 17  
Ottawa, Kansas 66067  
(785) 242-1234, telephone  
(785) 242-1279, facsimile  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)  
Attorneys for Joint Applicants

  
Amber Smith, #23911  
Jake Fisher, #19908  
Litigation Counsel  
Kansas Corporation Commission  
1500 S. W. Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3110, telephone  
(785) 271-3354, facsimile  
[j.fisher@kcc.ks.gov](mailto:j.fisher@kcc.ks.gov)  
Attorneys for Staff

*David W. Nickel*

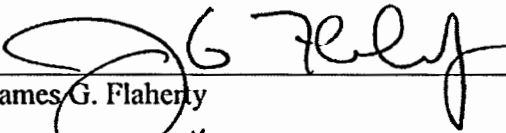
---

David W. Nickel, #11170  
Thomas J. Connors, #27039  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
(785) 271-3200, telephone  
(785) 271-3116, facsimile  
[d.nickel@curb.kansas.gov](mailto:d.nickel@curb.kansas.gov)  
[tj.connors@curb.kansas.gov](mailto:tj.connors@curb.kansas.gov)  
Attorneys for CURB

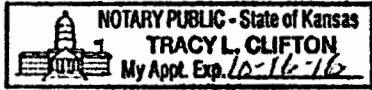
**VERIFICATION**

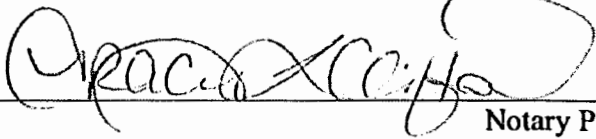
STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, deposes and says he is attorney for Joint Applicants above named; that he has read the above and foregoing Joint Motion to Amend Procedural Schedule; and the statements contained therein are true.

  
\_\_\_\_\_  
James G. Flaherty

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of September, 2016.



  
\_\_\_\_\_  
Notary Public

Appointment/Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was sent via U.S. Mail, postage prepaid, hand-delivery, or electronically, this 7<sup>th</sup> day of September, 2016, addressed to:

Thomas J. Connors  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[tj.connors@curb.kansas.gov](mailto:tj.connors@curb.kansas.gov)

Jake Fisher  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[j.fisher@kcc.ks.gov](mailto:j.fisher@kcc.ks.gov)

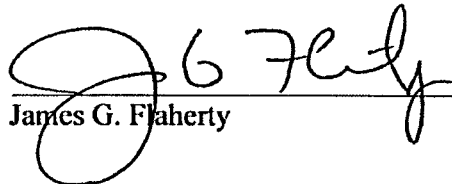
David W. Nickel, Consumer Counsel  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[d.nickel@curb.kansas.gov](mailto:d.nickel@curb.kansas.gov)

Dustin Kirk  
Assistant General Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[d.kirk@kcc.ks.gov](mailto:d.kirk@kcc.ks.gov)

Della Smith  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

Amber Smith  
Chief Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[a.smith@kcc.ks.gov](mailto:a.smith@kcc.ks.gov)

Shonda Smith  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[sd.smith@curb.kansas.gov](mailto:sd.smith@curb.kansas.gov)

  
\_\_\_\_\_  
James G. Flaherty