

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	Case No. WC-2008-0405
v.	)	
	)	
Dale Whiteside and Whiteside Hidden Acres, L.L.C.	)	
	)	
Respondents.	)	

**JOINT LIST OF ISSUES, STAFF’S LIST OF WITNESSES, AND  
JOINT PROPOSED ORDER OF CROSS EXAMINATION**

COME NOW the Staff of the Missouri Public Service Commission (Staff), through Counsel, on behalf of Counsel for Respondents and the Office of Public Counsel (OPC), known jointly as the Parties, and respectfully submit the following Joint List of Issues, Staff’s List of Witnesses, and Joint Proposed Order of Cross Examination to the Missouri Public Service Commission (Commission):

**JOINT LIST OF ISSUES**

1. On June 19, 2008, Staff filed its Complaint asserting Respondents are water corporations, and thus, public utilities subject to the jurisdiction, regulation and control of the Commission.
2. On September 8, 2008, the Commission ordered the evidentiary hearing in this case be held on January 20-21, 2009. The parties submit the following issues to be determined by the Commission:

- a. Whether Respondent Dale Whiteside owns, operates, controls or manages any plant, property, or water supply, distributing or selling for distribution, or selling or supplying for gain any water;
- b. Whether Respondent Whiteside Hidden Acres, L.L.C., owns, operates, controls or manages any plant, property, or water supply, distributing or selling for distribution, or selling or supplying for gain any water;
- c. Whether Respondents are “water corporations” within the intent of Section 386.020(58) RSMo (Supp. 2007), and thus “public utilities” within the intent of Section 386.020(42) RSMo (Supp. 2007) subject to regulation by the Commission;
- d. Whether Respondents are subject to the Commission’s authority to set rates for water service, and if so, what the just and reasonable rate is to charge for Respondents’ water service;
- e. Whether Respondents have failed to comply with the law to obtain a certificate of convenience and necessity pursuant to 393.170 RSMo (2000);
- f. Whether Respondents have failed to comply with the law to obtain Commission approval of rates under Sections 393.130 and 393.140 RSMo (Supp. 2007), and Section 393.150 RSMo (2000).
- g. Should the Commission authorize its General Counsel to proceed in circuit court to pursue penalties for Respondents’ violations of law;
- h. Should the Commission order Respondents to file an application for a Certificate of Convenience and Necessity.

- i. Should the Commission order Respondents to file a small company rate case in order to set just and reasonable rates.

#### **STAFF'S LIST OF WITNESSES**

3. The Commission's September 8, 2008 Order directed the parties to file a separate list stating the witnesses to appear, on what day they shall appear, and the order in which they shall be called. Staff intends to call Respondent Dale Whiteside, and Staff Utility Engineering Specialist Martin Hummel, in that order, on evidentiary hearing day one.

#### **JOINT PROPOSED ORDER OF CROSS-EXAMINATION**

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|---|---|
| 4. <b><u>Staff's Order of Witnesses</u></b><br>Dale Whiteside<br>Martin Hummel                      | <b><u>Proposed Order of Cross</u></b><br>Counsel for OPC, Counsel for Respondent<br>Counsel for OPC, Counsel for Respondent |
| <b><u>OPC's Order of Witnesses</u></b><br>List to be filed separately by Commission<br>Order        | <b><u>Proposed Order of Cross</u></b><br>Counsel for Staff, Counsel for Respondent  |
| <b><u>Respondents' Order of Witnesses</u></b><br>List to be filed separately by Commission<br>Order | <b><u>Proposed Order of Cross</u></b><br>Counsel for OPC, Counsel for Staff   |

**WHEREFORE,** Counsel for Staff, on behalf of the parties, submits this Joint List of Issues, Staff's List of Witnesses, and Joint Proposed Order of Cross Examination.

Respectfully submitted,

**/s/Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

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#### **CERTIFICATE OF SERVICE**

**I certify that a true and accurate copy of the foregoing was served via US Mail, electronic mail, or facsimile to all counsel of record this 6<sup>th</sup> day of January, 2009.**

**/s/ Jennifer Hernandez**