

**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	)	
	)	
Respondents.	)	

**PROPOSED JOINT PROCEDURAL SCHEDULE**

**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 Proposed Procedural Schedule to the Missouri Public Service Commission (Commission):

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 August 18, 2008, a prehearing conference was held at the Commission's office building in Jefferson City, Missouri. At the prehearing conference, Respondents agreed to work with their counsel in possibly filing an application for a Certificate of Convenience and Necessity (CCN). Counsel for Staff agreed to request an extension for the filing of a procedural schedule, as to allow sufficient time for the Respondents to consider filing an application with the Commission.
3. On August 25, 2008, Counsel for Staff filed its Motion to Extend Filing of a Procedural Schedule.

4. On August 26, 2008, the Commission issued its Order Granting Motion to Extend Filing of a Procedural Schedule, directing the Parties to file a proposed procedural schedule no later than September 8, 2008.
5. On September 5, 2008, counsel for Staff spoke with Respondents' counsel, Lisa C. Henderson. Ms. Henderson is currently working with Respondents to determine if a CCN application will be filed, or if Respondents will form a Section 355.025 RSMo (2000) home owner association, or a Section 393.900 RSMo (Supp. 2007) nonprofit water company.
6. In an effort to keep this case on a procedural track, the parties have agreed to propose a two-day hearing to begin on January 20, 2009, through January 21, 2009. To date, no conflicts appear on the Commission's calendar. Additionally, to accommodate those traveling from out of town, the parties propose the hearing begin both days at 10 a.m.
7. Counsel for Staff proposes all testimony be offered live and in person in the Commission's hearing rooms located at 200 Madison Street, Jefferson City, Missouri, 65102.
8. Also, counsel for Staff proposes the parties file a joint list of issues, witnesses, and order of cross examination on or before January 6, 2009.

**WHEREFORE,** Counsel for Staff respectfully requests the Missouri Public Service Commission issue an order which 1) sets the hearing in this matter for January 20 and 21, 2009; 2) directs all testimony to be offered live and in person in the Commission's hearing rooms; and 3) directs the parties to file a joint list of issues, witnesses, and order of cross examination on or before January 6, 2009.

Respectfully submitted,

**/s/Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was mailed, hand-delivered or electronically mailed to counsel for all parties to this cause, on this 8<sup>th</sup> day of September, 2008.

/s/ Dawn M. Carafeno