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Case No. SA-99-202

ORDER ESTABLISHING PROCEEDING SCHEDULE

On February 4, 1999, Timber Creek Sewer Company (Timber) filed a proposed procedural schedule. The proposal indicates that the parties have talked to each other and developed the proposed schedule. The Commission has reviewed the proposed schedule and finds the dates appropriate for this case. The Commission has also decided that a prehearing conference should be scheduled to afford the parties the opportunity to discuss, define, and possibly resolve the issues presented in this case. The Commission notes that Timber has already complied with the proposed date for filing direct testimony.

Therefore, the Commission establishes the following procedural schedule and finds that these conditions should be applied to the schedule:

- (A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of

prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall file a hearing memorandum setting out the issues to be heard and decided by the Commission, the witnesses to appear on each day of the hearing and the order in which they shall be called, an appendix containing definitions of technical terms, each party's position on the disputed issues, and the order of cross-examination. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. Staff will be responsible for preparing and filing the hearing memorandum.

(C) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the date set. Each party is required to provide Staff with its position on each unresolved issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present the

party's signature element (a signed page), shall provide written authorization to permit the General Counsel to sign for that particular party, or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant as to the party whose signature is missing and any party who fails or refuses to sign the final copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

- (D) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the regulatory law judge at least five days prior to the date of the hearing.
- (E) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same format established in the hearing memorandum. Initial briefs must set forth and cite the proper portions of the

record concerning the remaining unresolved issues that are to be decided by the Commission.

- (F) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and opposing counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established for this case:

Direct testimony of Timber Creek Sewer Company (Timber has already complied with this.)	-	February 1, 1999
Rebuttal testimony of Staff, Public Counsel and Intervenors	-	April 2, 1999 3:00 PM
Prehearing	-	April 5, 1999 10:00 AM
Surrebuttal testimony of all parties and statements of positions for the hearing memorandum	-	May 17, 1999 3:00 PM
Hearing Memorandum	-	May 27, 1999 3:00 PM
Hearing	-	June 7-8, 1999 10:00 AM first day

2. The prehearing and hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

3. That this order shall become effective on March 1, 1999.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 18th day of February, 1999.