

11/20
**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Terry Ball,)	
)	
Complainant,)	
)	
vs.)	<u>Case No. EC-98-446</u>
)	
AmerenUE)	
)	
Respondent.)	

ORDER REGARDING PROCEDURAL SCHEDULE

On November 4, 1998, the Staff of the Commission submitted a proposed procedural schedule that had been agreed upon by all the parties:

Direct testimony of Complainant	November 5, 1998
Rebuttal testimony of other parties	November 19, 1998
Surrebuttal testimony of Complainant	December 3, 1998
Hearing Memorandum	December 17, 1998
Evidentiary Hearing	January 5, 1999

Since the first filing date (Complainant's direct testimony) was proposed to occur the day after the procedural schedule was filed, the Commission cannot adopt the proposed schedule. The Commission will establish the following schedule:

Direct testimony of Complainant	November 25, 1998
Rebuttal testimony of Respondent and other parties	December 8, 1998
Surrebuttal testimony of Complainant	December 17, 1998
Hearing memorandum	December 30, 1998
Evidentiary hearing	January 7, 1999

The following conditions shall 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 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. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. 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 their 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 Complainant	November 25, 1998 3:00 P.M.
Rebuttal testimony of Respondent and other parties	December 8, 1998 3:00 P.M.
Surrebuttal testimony of Complainant	December 17, 1998 3:00 P.M.
Hearing memorandum	December 30, 1998 3:00 P.M.
Evidentiary hearing	January 7, 1999 9:00 A.M.

The 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.

2. That this order shall become effective on [10 days], 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief 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 20th day of November, 1998.

