

B-
CR
Ro
W

7/13

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Investigation into the) Case No. TR-98-343
Earnings of Mid-Missouri Company.)

ORDER ADOPTING PROCEDURAL SCHEDULE

The parties to this earnings investigation case met in a prehearing conference and the Staff of the Commission (Staff) filed a Motion to Establish Procedural Schedule on May 29, 1998. Staff stated that all the parties have agreed to the proposed schedule.

The Commission has reviewed the motion and will adopt the proposed procedural schedule, with the exception that each round of testimony will be due on the Monday following the proposed due date. In order to simplify the administrative aspects of filing testimony, the Commission will avoid setting filing dates on Fridays. In addition, the parties will be required to file a hearing memorandum. The Commission will apply the conditions set out below to the procedural schedule.

A. The Commission will require the prefiling of testimony in compliance with the requirements of 4 CSR 240-2.130, including the filing of testimony 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 in the proceedings caused by allegations of unfair surprise at the hearing.

B. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers

information to be proprietary or highly confidential must request a protective order and indicate the material's proper classification at the time of filing. Any testimony or schedule filed without a protective order first being established, or its classification clearly indicated, shall be considered public information.

C. 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, with an appendix containing definitions of essential 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.

D. 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) 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 shall

file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

E. Any party wishing to offer a prefiled exhibit into evidence must bring to the hearing three copies of the exhibit for the court reporter. If the exhibit has not been prefiled, the proponent must also bring six copies for the Commissioners and the regulatory law judge, and copies for opposing counsel.

F. The Commission's general policy provides for the filing of the transcript within two weeks after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the regulatory law judge at least five days before the hearing.

G. The briefs to be submitted by the parties shall follow the 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. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

IT IS THEREFORE ORDERED:

1. That the following procedural schedule be adopted for this proceeding, subject to the conditions discussed above:

| | |
|-----------------------|----------------------------------|
| Direct testimony | - July 20, 1998, 3:00 p.m. |
| Rebuttal testimony | - August 31, 1998, 3:00 p.m. |
| Surrebuttal testimony | - September 28, 3:00 p.m. |
| Hearing Memorandum | - October 15, 1998 |
| Evidentiary hearing | - October 29-30, 1998, 9:00 a.m. |

2. That the evidentiary hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing conference or hearing at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That this order shall become effective on the July 13, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

L. Anne Wickliffe, 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 13th day of July, 1998.