

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

In the Matter of Central Rivers Wastewater)	
Utility, Inc.'s Small Company Rate Increase)	<u>Case No. SR-2014-0247</u>
Request.)	

**JOINT MOTION TO SET TEST YEAR AND
TO ESTABLISH PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and on behalf of all the parties, tenders this *Joint Motion to Set Test Year and to Establish Procedural Schedule*, stating:

Introduction

1. This case is a small sewer company rate increase request brought under Rule 4 CSR 240-3.050, the *Small Utility Rate Case Procedure*. It is a small company rate case in which the timeline for disposition was extended for 30 days on August 7, 2014, and again for an additional 30 days on September 5, 2014, for a total of 60 days;¹ the Staff-Company Disposition Agreement provides for only a partial resolution of the rate increase request;² and the Office of the Public Counsel ("OPC") has objected to the Staff-Company Disposition Agreement³ and requested an evidentiary hearing.⁴ OPC has also requested a Local Public Hearing.⁵

2. The Company's rate increase request must now "be resolved through contested case procedures conducted in the time remaining in the rate case process, consistent with the requirements of section (24), the requirements of due process, and

¹ Rule 4 CSR 240-3.050(12).

² Rule 4 CSR 240-3.050(16).

³ Rule 4 CSR 240-3.050(2).

⁴ Rule 4 CSR 240-3.050(20).

⁵ Rule 4 CSR 240-3.050(17).

fairness to the participants in the matter and the utility's ratepayers.”⁶ The Parties hereby advise the Commission that they consider that the effect of the timeline extensions referenced above, as well as “the requirements of due process” and “fairness to the participants in the matter and the utility's ratepayers,” is to require final disposition of this matter not later than eleven months after the case was opened *but not* submission to the Commission for decision not later than nine months after the case was opened.⁷ This case was opened on March 11, 2014, and the eleven-month deadline is February 11, 2015.⁸ This *Joint Proposed Procedural Schedule* is designed to accomplish final disposition of the Company's rate increase request by February 11, 2015.

Test Year

3. The Parties request that the Commission set the Test Year herein as the twelve-months ended December 31, 2013, updated through March 31, 2014.

Discovery Conditions

4. The Parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.

5. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly-available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall

⁶ *Id.*

⁷ Rule 4 CSR 240-3.050(24).

⁸ *Notice Regarding Timeline*, Appendix A; filed March 17, 2014.

provide this type of information in that original format.

6. All Parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

7. The Parties agree that the response time for Data Requests (“DRs”) shall be five (5) business days to provide the requested information, and three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information, as of the date of the filing of this *Joint Proposed Procedural Schedule*.

8. The Parties agree to the following provisions regarding discovery:

(A) Discovery conferences shall be held upon request of any party, on one week’s prior notice to all parties.

(B) Discovery conferences will be held in Room 305 at the Commission’s office at the Governor’s Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.

(C) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only

those parties involved in an identified discovery disagreement must attend.

(D) Discovery conferences shall be on the record and shall be transcribed by a court reporter.

(E) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(F) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

(G) All direct case DRs, subpoenas, or other discovery requests shall be issued no later than December 5, 2014. With respect to deposing a witness, so long as a notice of deposition is issued by December 5, 2014, the deposition may occur, notwithstanding that the deposition will take place after December 5, 2014, or that there could be other conditions that must be satisfied prior to the deposition.

(H) All motions to compel a response to any discovery request related to the direct case shall be filed no later than December 12, 2014. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the hearings on December 16, 2014.

(I) The Parties shall make an effort to not include in DR questions either highly confidential or proprietary information, and the Parties shall make an effort not to over-designate information as either highly confidential or proprietary. If

either highly confidential or proprietary information must be included in DR questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

(J) Any DRs issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System ("EFIS"). All DRs other than those issued by or to Staff, as well as all objections to DRs, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a DR in EFIS, the response is available in EFIS to all counsel on the certified service list. DR responses, other than responses to DRs issued by or to Staff, will be served on counsel for the requesting party's employee or representative who submitted the DR and shall be served electronically, if feasible and not voluminous as defined by Commission rule. If a party desires the response to a DR that has been served on another party, the party desiring a copy of the response must request in writing a copy of the responses from the party answering the DR; thereby providing the responding party the opportunity to object. If a DR has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying DR has already been responded to.

Proposed Procedural Schedule

9. The Parties recommend that the Commission adopt the following Procedural Schedule:

<u>Item</u>	<u>Date</u>
Direct Testimony	November 14, 2014
Rebuttal Testimony	November 26, 2014
Local Public Hearing	December 2, 2014, preferred. Exact date and location TBD.
Surrebuttal Testimony	December 10, 2014
List of Issues, List and Order of Witnesses, Order of Opening, and Order of Cross-Examination	December 10, 2014
Statements of Positions	December 12, 2014
Reconciliation	December 12, 2014
Evidentiary Hearing	December 16 and 17, 2014 ⁹
Initial Briefs	December 30, 2014
Reply Briefs	January 9, 2015
Operation of Law Date	February 11, 2015

WHEREFORE, Staff and the other Parties pray that the Commission will establish the Test Year and Procedural Schedule as set out herein.

⁹ The parties anticipate completing the hearing in one day, December 16th, but have added the 17th from an abundance of caution.

Respectfully submitted,

/s/ Kevin A. Thompson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served, by hand delivery, electronic mail, or First Class United States Mail, postage prepaid, to all parties of record on the Service List maintained for this case by the Data Center of the Missouri Public Service Commission, **on this 24th day of October, 2014.**

/s/ Kevin A. Thompson