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

In the Matter of St. Louis County Water Company's)
Tariff Designed to Increase Rates for Water Service) Case No. WR-97-382
to Customers in the Company's Service Area.)
)

**ORDER ESTABLISHING PROCEDURAL SCHEDULE
AND GRANTING APPLICATION TO INTERVENE**

On May 2, 1997, the Staff of the Missouri Public Service Commission (Staff) informed the Commission that the parties had agreed to a proposed procedural schedule. This schedule will be adopted with the exception that the Commission will not order that the hearing memorandum and reconciliation be filed before rebuttal testimony.

If the hearing memorandum and reconciliation are filed prior to rebuttal testimony, the Commissioners lose the benefit of having specific references to relevant rebuttal and surrebuttal testimony. In addition, the parties may reach an amicable resolution of many matters after Staff, Office of the Public Counsel (Public Counsel) and intervenors file direct testimony but prior to the hearing. One purpose of the hearing memorandum is to provide a summary of the issues upon which the parties desire a Commission decision. Another purpose of the hearing memorandum is to provide a reference to the specific testimony of witnesses that support a party's position on the issues. Another purpose of the hearing memorandum is to summarize appropriate matters upon which the parties have reached a mutually agreeable resolution without the necessity of a Commission decision. Thus, the Commission will order that the hearing memorandum be filed no later than October 28, rather than September 24. At the same

time, however, the Commission does not intend to preclude the development of a preliminary memorandum and reconciliation prior to rebuttal insofar as the parties believe the development of such a document beneficial to the process.

The Commission finds that the following conditions should be applied to the schedule.

(1) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. 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. The Commission expects the parties to comply with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

(2) 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 should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(3) The Commission will schedule a prehearing conference in this case to allow the parties the opportunity to resolve procedural and substantive issues.

(4) The parties shall file a hearing memorandum setting 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. The hearing memorandum will contain the order of the witnesses who will appear on each day of the

hearing, definitions of terms, each party's position on the issues, and the order of cross-examination. 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.

(5) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. The 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 the date set. Each party is directed to provide Staff with its position on each unresolved issue no later than October 24, 1997.

(6) Nothing in this order shall preclude a party from addressing, or having a reasonable opportunity to address, matters not previously disclosed and arising at the hearing.

(7) 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 a request shall be tendered, in writing, to the administrative law judge at least five days prior to the date of hearing. The administrative law judge will determine whether the request should be granted.

(8) The Commission believes it is appropriate to limit the length of initial briefs 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).

(9) 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 administrative law judge, and opposing counsel.

On May 5, 1997, Barnes-Jewish Hospital, Emerson Electric Company, McDonnell Douglas Corporation and Monsanto Company (hereinafter referred to as Applicants) filed an Application To Intervene. Applicants state that they have been large users of water supplied by St. Louis County Water Company (Company) and that the rate schedules filed by the Company in this proceeding may result in an increase in the cost of water service to Applicants. Thus, Applicants assert that they have a direct interest in this proceeding that is different from the interest of the general public.

The Commission has considered the Application To Intervene and finds that it should be granted.

IT IS THEREFORE ORDERED:

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

All parties' test year recommendations	May 22, 1997
Staff, Public Counsel and intervenors file direct testimony	September 2, 1997 3:00 p.m.
Prehearing conference	September 9-12, 1997 10:00 a.m. (first day)
All parties file rebuttal testimony	October 7, 1997 3:00 p.m.
All parties file surrebuttal testimony	October 24, 1997 3:00 p.m.
Hearing memorandum	October 28, 1997
Hearing	November 3-7, 1997 10:00 a.m. (first day)

The prehearing conference and 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. Any person(s) 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 the Application To Intervene filed by Barnes-Jewish Hospital, Emerson Electric Company, McDonnell Douglas Corporation and Monsanto Company on May 5, 1997 is hereby granted.

3. That this order shall become effective on the date hereof.

BY THE COMMISSION



Cecil I. Wright
Executive Secretary

(S E A L)

Thomas H. Luckenbill, Deputy Chief
Administrative 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 22nd day of May, 1997.