

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

The Office of Public Counsel et al.,)	
)	
Complainants,)	
)	
v.)	<u>Case No. WC-2014-0138</u>
)	
Missouri American Water Company,)	
)	
Respondent.)	

JOINTLY PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through counsel, and on behalf of Missouri-American Water Company ("MAWC") and Office of Public Counsel ("OPC"), (collectively, "parties,") states as follows:

Discovery Conditions

1. 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.

2. 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 provide this type of information in that original format.

3. 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.

4. The Parties agree as follows with respect to Data Requests:

(A) Until direct testimony is filed on June 30, 2015, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or to notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

(B) After Direct Testimony is filed on June 30, 2015, the response time for data requests 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.

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

(A) Discovery conferences shall be held 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 motions to compel a response to any discovery request related to the direct case shall be filed no later than June 23, 2015. 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 September 1, 2015.

(H) The Parties shall make an effort to not include in data request 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 data request 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.

(l) Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, 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 data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, will be served on counsel for the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by Commission rule. If a party desires the response to a data request 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 data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

Proposed Procedural Schedule

6. The parties have agreed to the procedural schedule described below, and request that the Commission enter an order approving this schedule.

- **Filing of Direct Testimony:** Tuesday, June 30, 2015.
- **Filing of Rebuttal Testimony:** Friday, July 17, 2015.
- **Filing of Surrebuttal Testimony:** Thursday, July 30, 2015.
- **Issues List:** Friday, August 14, 2015.
- **Witness List:** Monday, August 17, 2015.
- **Position Statements:** Friday, August 21, 2015.
- **Hearing or Argument:** Tuesday, September 1, 2015 and Wednesday, September 2, 2015.
- **Briefs:** Monday, September 28, 2015.

7. The parties request that the Commission reserve the days of Tuesday September 1, 2015 and Wednesday September 2, 2015 for any necessary Hearing or Argument in this matter, if this matter is not resolved by a ruling on any Dispositive Motions or Settlement that may be reached and filed.

WHEREFORE, Staff respectfully submits this *Jointly Proposed Procedural Schedule*, on behalf of the parties, and requests the Commission enter an order adopting this joint proposed procedural schedule and reserving Tuesday, September 1, 2015 and Wednesday September 2, 2015 for hearing or argument, if necessary.

Respectfully submitted,

/s/ Cydney D. Mayfield

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by First Class United States Mail, postage prepaid, on this 7th day of April, 2015, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Cydney D. Mayfield