

The Office of the Public Counsel,
Complainant,
v.
Missouri American Water Company,
Respondent.

ORDER REGARDING DISCOVERY

Effective Date: April 8, 2015

THE COMMISSION ORDERS THAT:

1. Upon issuance of this order, the time allowed to respond to data requests shall be twenty calendar days, with ten calendar days allowed to object or notify the requesting party that more than twenty calendar days will be necessary to provide the requested information.
2. After direct testimony is filed on June 30, 2015, the time allowed to respond to data requests shall be five business days, with three business days allowed to object or notify the requesting party that more than five business days will be necessary to provide the requested information.

3. The last day to issue a discovery request or conduct a deposition shall be August 14, 2015.

4. The following conditions shall apply to all data requests:

- A. Data requests, responses, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for all the other parties, unless issued by or to Staff.
- B. Data request responses will also be served on counsel for the requesting party, unless waived by counsel, and on 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.
- C. Parties shall try to not include highly confidential or proprietary information in data request questions. 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. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- D. 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 a copy of the response from the party answering the data request.
- E. If a party requests a data request response that has already been served on another party, and that request is received on or after the due date of the response, the responding party shall provide a copy of the response to the requesting party as soon as is reasonably practicable. However, if the request is received prior to the due date of the response, the responding party shall provide the response to all requesting parties contemporaneously. In no event shall a request for a copy of a response be considered to have initiated a new data request with new time limits.
- F. Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the

“description” of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.

G. Any party’s responses to Staff data requests will be available to other parties on EFIS.

H. Data requests sent after 5:00 p.m. will be considered served on the next business day.

5. Discovery conferences will be held on May 20, 2015, June 24, 2015, July 15, 2015, and August 26, 2015. Any party that wishes to participate in the discovery conference by telephone will be notified of the telephone conference number prior to the time set for the conference.

6. Discovery conferences shall be held at the Commission’s office in the Governor Office Building, Room 305, 200 Madison Street, Jefferson City, Missouri, beginning at 2:00 p.m. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Any person or entity requiring additional accommodations to participate in this hearing shall call the Public Service Commission’s Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

7. Not less than two business days before each discovery conference, any party that has a discovery dispute involving another party shall file a brief statement describing that dispute 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 dispute must attend. If the parties do not identify any discovery disputes before the scheduled conference, the presiding officer may cancel the conference.

8. Discovery conferences shall be on the record and transcribed by a court reporter.

9. The requirement in Commission Rule 4 CSR 240-2.090(8) that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived if that party had previously attempted to resolve the dispute at a scheduled discovery conference.

10. The last day to file a formal motion to compel discovery shall be August 21, 2015.

11. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of April, 2015.