

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Mrs. Walter L. Schwab,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2008-0106</u>
	)	
Missouri American Water Company,	)	
	)	
Respondent.	)	

ORDER SETTING COMPLAINT FOR HEARING

Issue Date: January 8, 2008

Effective Date: January 8, 2008

On October 15, 2007, Mrs. Walter L. Schwab filed a complaint with the Missouri Public Service Commission against Missouri American Water Company ("MAWC"). MAWC filed its Answer on November 15, 2007. Staff filed its verified report on November 26, 2007.

By order dated December 5, 2007, the Commission set the case for a prehearing conference, which was held on December 18, 2007. In the same order, the parties were directed to jointly prepare and file a proposed procedural schedule by no later than January 7, 2008.

On January 7, 2008, the Staff of the Commission filed a proposed procedural schedule on behalf of Staff and MAWC. In that pleading Staff advised the Commission that it believes Mrs. Schwab agrees with the provisions of the proposed procedural schedule, in that she has verbally agreed with the general terms of the proposal, but due to an apparent

mail delay had not received a hard copy of the document as of the January 7th deadline to file that proposal. If Mrs. Schwab objects to the procedural proposal adopted in this case, she must notify the assigned regulatory law judge, Cherlyn D. Voss, of her objections no later than January 18, 2008. Judge Voss can be reached by phone at 573-751-3966, or by e-mail at cherlyn.voss@psc.mo.gov.

The Commission has reviewed the proposed procedural schedule and agrees that there is no need for prefiled testimony in this case, that it is reasonable to allow Mrs. Schwab to participate in the evidentiary hearing by phone, and it is reasonable to direct all parties to serve copies of any document they intend to offer as evidence upon all other parties no later than ten days before the date of the hearing. The Commission shall also require Mrs. Schwab to mail copies of any document she intends to offer as evidence to the regulatory law judge assigned to hear this case no later than ten days before the date of the hearing.

The Commission will set this matter for evidentiary hearing on January 31, 2008. As the Complainant, Mrs. Schwab, is proceeding *pro se*, the Commission will set forth the procedure it will follow to hear Mrs. Schwab's case. The order of cross-examination set out below will be followed unless an alternate order of cross-examination is jointly proposed by the parties no later than January 29, 2008.

All testimony will be presented live and in person. Mrs. Schwab will testify first and present her case to the Commission. She will then be subject to cross-examination (questions), first by the Office of the Public Counsel, then by the Staff of the Commission, and finally by MAWC.

MAWC will then present its witness[es] who will be subject to cross-examination first by Staff, then by Public Counsel, and finally by Mrs. Schwab.

The Staff of the Commission will present its witness[es] next, with cross-examination first by MAWC, then by Public Counsel, and finally by Mrs. Schwab.

If Mrs. Schwab decides to attend the hearing in person, rather than participating by phone, she is directed to bring two (2) copies of any document she intends to present at the hearing. Mrs. Schwab is advised that failure to participate in the evidentiary hearing could result in her case being dismissed.

IT IS ORDERED THAT:

1. This matter is set for hearing on January 31, 2008, beginning at 8:30 a.m. The hearing will be held in Room 310 in the offices of the Missouri Public Service Commission, Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing. **Mrs. Walter L. Schwab may participate by telephone by dialing 1-866-630-9346.**

2. All parties shall serve copies of all documents they intend to offer as evidence at hearing upon all other parties by depositing such documents in the U.S. Mail, properly addressed and with first-class postage prepaid, not less than ten days before the date of the hearing.

3. In lieu of filing posthearing briefs, the parties shall present oral arguments in support of their positions at the conclusion of the evidentiary hearing.

4. Mrs. Walter L. Schwab shall be prepared to present her case as set forth above.

5. This order shall become effective on January 8, 2008.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read 'Colleen M. Dale', is positioned above the printed name.

Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of January, 2008.