

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Missouri-American)
Water Company's Request for Authority)
to Implement a General Rate Increase)
for Water Service Provided in Missouri)
Service Areas)

Case No. WR-2007-0216, et al.

ORDER EXTENDING DEADLINE FOR FILING SUGGESTIONS
REGARDING THE NON-UNANIMOUS STIPULATION AND
AGREEMENT, SETTING BRIEFING SCHEDULE, ORDERING
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW,
DIRECTING THE FILING OF LATE-FILED EXHIBITS AND RESPONSES,
AND ADDRESSING OTHER PROCEDURAL MATTERS

Issue Date: August 15, 2007

Effective Date: August 15, 2007

On August 6, 2007,¹ the Commission commenced the evidentiary hearing in this matter. Because the parties had reached agreement on a revised and abbreviated procedural schedule, the hearing was continued and scheduled to recommence on August 14.

On August 9, during the interim between hearing dates, the majority of the parties to this action filed a Non-Unanimous Stipulation and Agreement ("Agreement") purporting to settle nearly all of the identified issues in this matter. The only party opposing the Agreement was the City of Joplin ("Joplin"). Due to the rapidly approaching date for resuming the hearing, the Commission set a deadline of August 13, at 3:00 p.m. for the filing of suggestions in support of, or in opposition to, the Agreement. At the hearing, on August 14, the Commission extended that deadline until midnight August 17. Any party

¹ All dates throughout this order refer to the year 2007 unless otherwise noted.

having already filed suggestions regarding this Agreement is granted leave to supplement their previous filing. Any party not filing suggestions may file a statement concurring with any other party's filed suggestions.

During the hearing on August 14, Joplin's sole witness, Ms. Leslie Jones, was allowed to supplement her direct testimony with live direct testimony. In doing so, Joplin's witness offered many statements reflecting changes in the position Joplin advocated in its prefiled direct testimony. Although all parties present were afforded the opportunity to cross-examine Joplin's witness with regard to the new testimony, the Commission recognizes that the other parties should also be afforded the opportunity to provide additional rebuttal testimony to Joplin's new direct testimony. Consequently, the Commission will set a deadline for the parties to inform the Commission whether they wish to offer said testimony and will establish deadlines for the submission of that testimony and responses thereto.

In addition to the need to establish the above mentioned deadlines, Joplin's newly submitted direct testimony, as well as its prefiled direct testimony, created the need to direct Joplin to file with the Commission certain late-filed exhibits. Those exhibits include: any documents, work papers, letters, memoranda, notes, reports, analyses, computer analyses, adding machine calculations, test results, studies or data recordings, transcriptions, and printer, typed, or written materials of any kind, in any format, that relate to demonstrating the revenue effect on the specific revenue requirement for the Joplin District that were generated by Joplin or its witness, Ms. Jones, to serve as a basis for the testimony Joplin submitted to the Commission.

During the hearing, Joplin's counsel of record, and its witness, Ms. Jones, also represented to the Commission that their previously raised issue concerning the normalization for chemicals for treating water had been resolved based upon a correction in calculations acknowledged by Missouri-American Water Company ("MAWC"). Because this issue has been represented to have resolved, and because Joplin's newly submitted direct testimony demonstrates a departure from its previously advocated positions on the remaining issues Joplin had disputed, Joplin will be directed to file a revised list specifically identifying which issues it still disputes with the other parties.²

Joplin will also be directed to generate and file with the Commission calculations showing the effect that Joplin's currently advocated positions with regard to the disputed issues would have on its revenue requirement. These calculations should include the effects of Joplin's position on the proper method of allocating MAWC's corporate administrative and general expenses; payroll tax payments as annualized for the Joplin District and corporate allocation of corporate depreciation, as well as any other disputed issue identified in its revised list of issues. These calculations shall include determining the value of each issue and its effect on Joplin's revenue requirement. Joplin will be directed to provide a date certain for the filing of these calculations and will be directed to file said calculations as soon as reasonably possible.

Also during the hearing, the City of Jefferson ("City") confirmed that it is in the process of formalizing a separate Stipulation and Agreement designed to resolve separate issues the City has with MAWC concerning back-up power generation, water storage and

² Although the Presiding Officer at hearing indicated that the deadline for filing the revised list of issues would be set for August 22, that date will be revised to August 17 to maintain consistency with the other required filings in this order.

small main replacement. The Commission will direct the City to file a status report with regard to that separate agreement.

The transcript for this hearing will be expedited, and pursuant to Commission Rule 4 CSR 240-2.140(2), the Commission will direct and delineate the requirements for the parties to file post-hearing briefs and reply briefs. No page limits will be placed on the post-hearing briefs or reply briefs. Briefs will be due fifteen days following the filing of the official transcripts, and reply briefs will be due six days following the deadline for post-hearing briefs. Once transcripts are filed, the Commission will issue a separate order naming the exact date that briefs will be due.

The parties shall also be directed to file with the Commission proposed findings of fact and conclusions of law with regard to each disputed issue in this matter. Those parties, who are signatories to the Agreement, shall also identify and cite to the proper portions of the record providing the factual support for each settled issue.

IT IS ORDERED THAT:

1. The deadline for filing suggestions in support of, or in opposition to, the Non-Uniform Stipulation and Agreement filed on August 9, 2007, shall be extended until midnight on August 17, 2007. Any party having already filed suggestions regarding the Agreement is granted leave to supplement their previous filing. Any party not filing suggestions may file a statement concurring with any other party's filed suggestions.

2. Any party wishing to file rebuttal testimony to the newly adduced direct testimony of the City of Joplin's witness, Leslie Jones, shall notify the Commission of its intention to file said testimony no later than 5:00 p.m. on August 17, 2007. The deadline for

filing such testimony shall be Tuesday, August 21, 2007, and any responses to the rebuttal testimony shall be filed no later than Friday, August 24, 2007.

3. No later than August 17, 2007, the City of Joplin shall file a revised list of issues specifically identifying which issues it still disputes with the other parties.

4. No later than August 17, 2007, the City of Joplin shall provide the Commission a date certain for generating and filing with the Commission calculations showing the effect that Joplin's currently advocated positions with regard to the disputed issues would have on its revenue requirement. These calculations should include the effects of Joplin's position on the proper method of allocating MAWC's corporate administrative and general expenses; payroll tax payments as annualized for the Joplin District and corporate allocation of corporate depreciation, as well as any other disputed issue identified in its revised list of issues. These calculations shall include determining the value of each issue and its effect on Joplin's revenue requirement and shall be filed with the Commission as soon as is reasonably possible.

5. No later than August 22, 2007, the City of Joplin shall file any documents, work papers, letters, memoranda, notes, reports, analyses, computer analyses, adding machine calculations, test results, studies or data recordings, transcriptions, and printer, typed, or written materials of any kind, in any format, that relate to demonstrating the revenue effect on the specific revenue requirement for the Joplin district that were generated by the City of Joplin or its witness, Ms. Leslie Jones, to serve as a basis for the testimony the City of Joplin submitted to the Commission. If no such materials exist, the City of Joplin shall file a pleading verifying that such materials do not exist.

6. All post-hearing briefs shall be filed with the Commission no later than fifteen days following the filing of the official transcripts.

7. All reply briefs shall be filed with the Commission no later than six days following the deadline for post-hearing briefs.

8. All briefs and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080, and as directed in the body of this order. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

9. No later than the deadline for filing post-hearing briefs, the parties shall prepare and file with the Commission proposed findings of fact and conclusions of law, with regard to each disputed issue in this matter. Those parties, who are signatories to the Non-Uniform Stipulation Agreement, shall also identify and cite to the proper portions of the record providing the factual support for each settled issue in the Non-Uniform Stipulation and Agreement.

10. All parties shall provide an electronic copy of their briefs and proposed findings of fact and conclusions of law, in Microsoft Word format, to the regulatory law judge at harold.stearley@psc.mo.gov.

11. This order shall become effective on August 15, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 15th day of August, 2007.