

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

Metropolitan St. Louis Sewer District,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. WC-2007-0040</u></b>
	)	
Missouri American Water Company,	)	
	)	
Respondent.	)	

**ORDER ADOPTING JOINTLY PROPOSED PROCEDURAL SCHEDULE**

Issue Date: October 26, 2006 Effective Date: October 26, 2006

On October 23, 2006, the Metropolitan St. Louis Sewer District and Missouri American Water Company filed a Joint Proposed Procedural Schedule. The Commission has reviewed the proposed procedural schedule and will adopt it. However, in addition to filing a statement of their positions, proposed to be filed on February 28, 2007, the Commission will direct the parties to include supportive argument with those statements.

The parties have proposed the following procedural:

Discovery request completed	November 30, 2006
Any motion for summary determination	December 15
Simultaneous Direct	January 17, 2007
Simultaneous Rebuttal	February 14
List of Issues, Order of Witnesses and Order of Cross-examination	February 21
Statement of their position (with supporting arguments)	February 28
Evidentiary hearing	March 7

The Commission will also require that the following conditions be applied:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. 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.

(B) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall establish the order of cross-examination and file a joint pleading indicating the same.

(D) Each party shall file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one. The position statement shall be filed in both paper form and electronically, either on computer disk or by e mail.

(E) The Commission's general policy provides for the filing of the transcript within ten business days after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the Presiding Judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The 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. The Presiding Judge will establish a briefing schedule at the close of the hearing.

(G) 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 one copy of the exhibit is necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the one copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(H) The parties shall prepare and file proposed findings of fact and conclusions of law. Each proposed finding of fact shall include a citation to a location in the record where may be found competent and substantial evidence such as supports the proposed finding of fact. The time for complying with this requirement will be discussed at the close of the evidentiary hearing.

**IT IS ORDERED THAT:**

1. The proposed procedural schedule, with the additional requirement of including supporting arguments with the statement of positions, is adopted.

2. An evidentiary hearing shall be held on March 7, 2007, beginning at 9:00 a.m., in Room **305** of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This 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 public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the prehearing conference.

3. The conditions to the procedural schedule, as listed above, shall be applied.
4. This order shall become effective on October 26, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of October, 2006.