

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

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

**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: April 8, 2015

Effective Date: April 8, 2015

On March 30, 2015, the Commission issued an Order Directing Filing of Joint Proposed Procedural Schedule. On April 7, 2015, the Commission's Staff filed on behalf of the parties a joint proposed procedural schedule, including recommendations for additional procedural requirements. The Commission will adopt the proposed procedural schedule with some modifications and order additional procedural requirements.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Date	Event
May 20, 2015	Discovery conference
June 24, 2015	Discovery conference
June 30, 2015	Direct testimony
July 15, 2015	Discovery conference
July 17, 2015	Rebuttal testimony
July 30, 2015	Surrebuttal testimony

Date	Event
Aug. 14, 2015	List of issues, joint stipulation of material non-disputed facts, and last day to issue discovery requests
Aug. 17, 2015	List and order of witnesses, order of parties for cross-examination, and order of opening statements
Aug. 21, 2015	Position statements and last day to file motion to compel
Aug. 26, 2015	Final discovery conference
Sept. 1-2, 2015	Evidentiary hearing
Sept. 28, 2015	Simultaneous post-hearing briefs

2. The evidentiary hearing is scheduled for September 1-2, 2015, beginning at 8:30 a.m. The hearings will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearings will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The discovery conferences shall be held in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, beginning at 2:00 p.m.

4. Those individual parties whose cases were consolidated into WC-2014-0138 may, but are not required to, appear and participate in discovery conferences or the evidentiary hearing, unless required to appear as a witness under subpoena. Any such party who wishes to present testimony at the evidentiary hearing must submit pre-filed testimony in compliance with the evidence provisions in Commission Rule 4 CSR 240-2.130 and comply with the procedural requirements described in paragraphs 1 and 5 of this order. Any such party who does not submit evidence but wishes to cross-examine

witnesses at the evidentiary hearing must notify the Office of the Public Counsel no later than August 1, 2015. The Office of the Public Counsel shall coordinate these requests to cross-examine witnesses in conjunction with the filing of the order of parties for cross-examination due on August 17, 2015.

5. The parties shall comply with the following additional procedural requirements:

- A. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, 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.
- B. Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel within the time period for providing workpapers if the sponsored witness has no workpapers related to the round of testimony.
- C. 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, if available in the original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- D. All filings made through the Commission's Electronic Filing and Information System (EFIS) will be timely filed if filed before midnight on the date the filing is due. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

- E. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- F. The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- G. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- H. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. 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 unresolved issues that the parties believe require decision by the Commission.
- I. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- J. The parties shall pre-number their hearing exhibits sequentially with individual party designation, as follows by example:
 - a.) MAWC Exhibit No. 1, MAWC Exhibit No. 2, MAWC Exhibit No. 3, etc.
 - b.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
 - c.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- K. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than August 28, 2015. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

6. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

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.