

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

| | | |
|----------------------------------|---|-------------------------------------|
| County of Jackson, Missouri, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. HC-2005-0331</u> |
| |) | |
| Trigen-Kansas City Energy Corp., |) | |
| |) | |
| and |) | |
| |) | |
| Thermal North America, Inc. |) | |
| |) | |
| Respondents. |) | |

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: May 24, 2005

Effective Date: May 24, 2005

The County of Jackson, Missouri has filed a complaint against Trigen-Kansas City and Thermal North America, Inc. On May 23, 2005, the Staff of the Commission filed a proposed procedural schedule that was agreed upon by all the parties.

The Commission finds that the procedural schedule proposed by the parties is reasonable and it will be adopted. The Commission finds that the following conditions should be applied:

(A) The Commission will require that testimony 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. 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) Pursuant to Commission Rule 4 CSR 240-2.130(15), testimony and schedules may not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established will be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they will be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and may not contain argument about why the party believes its position to be the correct one.

(E) 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 remaining unresolved issues that are to be decided by the Commission.

(F) All parties are required to 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 should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established:

| | | |
|--|----------|--|
| Direct Testimony (Jackson Co.) | - | July 20, 2005 |
| Rebuttal Testimony (all other parties) | - | September 7, 2005 |
| Surrebuttal Testimony | - | September 28, 2005 |
| Statement of Issues, Order of Issues, List of Witnesses, Order of Witnesses, and Order of Cross | - | October 5, 2005 |
| Position Statements | - | October 11, 2005 |
| Hearing | - | October 17, 18 & 19, 2005, beginning at 8:30 a.m. |

2. That the hearing will be held in the offices of the Missouri Public Service Commission in 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 hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. That this order shall become effective on May 24, 2005

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 24th day of May, 2005.