

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of ) **File No. HR-2011-0241**  
Veolia Energy Kansas City, Inc. ) Tracking Nos. YH-2011-0532  
for Authority to File Tariffs to Increase Rates ) and YH-2011-0533

## ORDER SETTING PROCEDURAL SCHEDULE, NOTICE OF HEARING, AND ORDER DIRECTING NOTICE

Issue Date: May 2, 2011

Effective Date: May 2, 2011

The Missouri Public Service Commission is setting a procedural schedule, making orders governing this action, and directing notice as follows.

A. Schedule. The procedural schedule shall be as follows.

<i>Deadline</i>	<i>Party<sup>1</sup></i>	<i>Action</i>
<b>2011</b>		
May 10	Staff	Serve Initial Data Requests
May 10	Utility	File Witnesses' Work Papers for Direct Testimony
May 10	Staff	File First Complaint Report <sup>2</sup>
May 11	Utility	File a Report on Issues <sup>3</sup>
May 11	Utility	File Depreciation Study
May 11	All	File Motion for Intervention
May 11	All	File Test Year Recommendation
May 12	All	Pre-Hearing Conference
May 19	All	File Motion to Modify Schedule
June 1	All	Discovery Conference
July 1	All	Discovery Conference
July 29	All	Discovery Conference
August 15	All but Utility	File Revenue Requirement Direct
August 30	All but Utility	File Rate Design Direct
September 6	All	Discovery Conference
September 16	All	File Rebuttal – All Issues
September 16	Staff	File Second Complaint Report <sup>4</sup>

<sup>1</sup> Including any intervenor and any movant for intervention.

<sup>2</sup> Described below.

<sup>3</sup> Described below.

<sup>4</sup> Described below.

<i>Deadline</i>	<i>Party<sup>1</sup></i>	<i>Action</i>
September 19	All	Serve All Discovery Requests
September 23	All	File All Discovery Motions
September 26	All	Final Discovery Conference
October 3-7	All	Settlement Conference
October 11	Staff	File List of Issues, Order of Witnesses for Cross-Examination, Order of Opening Statements
October 11	All	File Position Statements
October 13	Staff	File Reconciliation
October 14	All	File Joint Stipulation of Undisputed Material Facts
October 17-28	All	Evidentiary Hearing Starts 8:30 a.m. Weekdays
December 2	All	File Initial Post-Hearing Briefs
December 16	All	File Reply Briefs
<b>2012</b>		
February 16	All	Tariff Suspension Expires

B. Hearing and Conference Location. The June 1 conference will convene in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Any conference or hearing shall convene in Room 310 of that building. That building meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

C. Conferences. Any conferences will be on the record and transcribed. Any party may participate in any conference by telephone. Any party that wishes to participate in a conference by telephone may do so by calling (573) 522-5993 (and entering password \*456 at the prompt) at the time set for the conference.

D. Discovery Conferences. Each party shall bring a complete list of all outstanding data requests and other discovery to each discovery conference. Any party participating by phone shall provide to the Regulatory Law Judge and all other parties a

complete list of all outstanding data requests and other discovery no later than one day prior to the conference.

E. Settlement Conference. Each party shall appear through a representative with full authority to settle.

F. Investigation. The Missouri Public Service Commission delegates to Staff the Commission's discretion to exercise any of the Commission's investigatory powers as set forth in Chapters 386 and 393, RSMo.

G. Filing. Filing of any document shall be accomplished by delivery to:

Steven C. Reed, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102-0360.

or by using the Commission's Electronic Filing and Information System ("EFIS").

H. Electronic Filing. For any document filed using EFIS:

- a. Filing shall be deemed timely filed if received not later than 11:59:59 p.m. on the date such document is due; and
- b. Regulations 4 CSR 240-2.045(2) and 4 CSR 240-2.080(11) are waived.
- c. Such document shall be filed in, or served on the Regulatory Law Judge, in Word Format.

I. Service. Any party filing any document shall contemporaneous serve a copy of such document on all other parties' counsel of record. Counsel so served shall bear any responsibility for further distribution to their respective clients. Such party may serve any such document by transmitting a copy electronically if the document is available in

electronic format. This order does not require any party to convert any information, not already in electronic format, into electronic format.

J. Work-Papers. Any party pre-filing testimony shall serve all work-papers related to such testimony electronically upon all other parties no later than two business days after the filing of such testimony.

K. Discovery Cut-Off. All discovery rulings shall issue no later than September 29, 2011. Any motion for reconsideration of any discovery ruling is due no later than five business days after issuance of the ruling.

L. Report on Issues. The report on issues shall:

- a. Describe the issues raised in direct testimony.
- b. Identify each company witness that will address each issue.
- c. Be in a format similar to the Commission's Staff Cost of Service Reports routinely filed in rate cases.
- d. Include an executive summary and a summary.

M. Complaint Report. The Commission's Consumer Services Department shall prepare a report identifying and describing all complaints, formal or informal, filed against Utility. The First Complaint report addresses the period between approval of Utility's last rate increase through the filing this action. The Second Complaint Report addresses the period beginning with the filing of this action through filing of the Second Complaint report.

N. Lists of Issues. Staff shall draft in co-operation with the other parties, and file, a list of issues. Every other party shall either join in Staff's list of issues or separately file a list of issues. The format requirements set forth in 4 CSR 240-2.080 (21) are waived.

Any list of issues shall set forth related issues as follows. If the determination of an issue is preliminary to the determination of other issues, such other issues shall be listed below such preliminary issue. Any matter not included in a list of issues shall be presumed to require no determination by the Commission.

O. Position Statements. Each party shall file a position statement. Any party's position statement shall address issues in the order set forth in such party's list of issues. For any issue upon which any party intends to adduce evidence, such party shall simply and concisely set forth any matters on which such party relies as follows. The party shall cite any law supporting its proposed outcome, allege any facts relevant under such law, and name any witness offering testimony on such facts with specific page references to pre-filed testimony containing such evidence. No party's position statement shall include argument on the merits of any party's position.

P. Order of Witnesses for Cross Examination. Each party shall serve upon Staff, and Staff shall compile and file, a list of witnesses to appear on each day of each hearing and the order in which they propose to call such witnesses. Any party may file a motion, jointly or separately, proposing the order of cross-examination.

Q. Settlement. Settlement shall not be grounds for a continuance of the hearing unless the settlement resolves all issues in all lists of issues, no party objects to the settlement, and the final written document embodying the settlement is on file with the Commission.

R. Exhibits. Not later than the day before the evidentiary hearing each party shall pre-mark such party's exhibits as follows and provide a listing of such exhibits to all other parties.

- a. Each party shall number its exhibits sequentially, with a shorthand indication of the party's name as part of the exhibit number, separated from the number by a dash.
- b. Each party shall bring an adequate number of copies of any exhibit such party intends to offer into evidence at the hearing as follows.
- c. If an exhibit has been pre-filed, only one copy of such exhibit is necessary for the court reporter.
- d. Each party shall mark such party's pre-filed testimony as exhibits but need not pre-mark any other exhibit.
- e. If a party has not pre-filed an exhibit, the party offering such exhibit shall bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Regulatory Law Judge, and all counsel.

S. Transcript. A transcript of any day of the evidentiary hearing shall be expedited to be available no later than the third working day after such day's testimony, and any party desiring more expedited preparation shall file a motion no later than five days before the hearing date.

T. Briefs. Any initial post-hearing brief shall include proposed findings of fact, with supporting citations to the record, and proposed conclusions of law. Any party's brief shall follow such party's list of issues.

**THE COMMISSION ORDERS THAT:**

1. The Commission adopts the procedural schedule and directives set forth in the body of this notice and order.

2. The Commission's Data Center shall serve a copy of this order upon the county commission of each county within the service territory of Veolia Energy Kansas City, Inc. ("Veolia").

3. The Commission's Public Information Office shall make notice of this order available to the members of the General Assembly representing service area and to the news media serving Veolia's service territory.

4. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 2<sup>nd</sup> day of May, 2011.