

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

Office of the Public Counsel,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2002-155</u>
)	
Warren County Water and Sewer)	
Company and Gary L. Smith,)	
)	
Respondents.)	

ORDER SCHEDULING ADDITIONAL HEARING

Syllabus: The Commission grants a motion to allow Respondents to conduct additional cross-examination, admits an additional exhibit, and modifies the briefing schedule.

In an order issued on July 2, 2002, the Commission admitted as a late-filed exhibit a notice of violation and attendant documents from the Missouri Department of Natural Resources to Gary Smith. In that order, the Commission stated that Respondents would have the opportunity to conduct cross-examination with respect to that exhibit. On July 3, Respondents filed a pleading asking that the Commission schedule additional hearing time

for cross-examination. The Commission will grant the motion and schedule additional hearing time.

Respondents also requested that the briefing schedule be stayed pending the conclusion of the additional hearing. The Commission will not stay the presently scheduled briefs, but will allow parties to file supplemental initial briefs. In order to minimize delay, the Commission will expedite the delivery of the transcripts.

On July 5, the Office of the Public Counsel filed a motion in which it asked the Commission to reopen the record to admit another exhibit, and in which it supported Respondents' request for an additional hearing. The proposed exhibit is very similar to Exhibit 21, consisting of another notice of violation from the Missouri Department of Natural Resources to Gary Smith along with supporting documentation. Specifically, the proposed exhibit is a copy of a certified cover letter to Gary Smith, Warren County Water & Sewer, dated June 20, 2002, and a Missouri DNR Notice of Violation #1806 SL issued to the Respondent, along with lab reports on effluent samples collected by DNR agent Paul Mueller on May 30.

For the same reasons it admitted Exhibit 21, the Commission will admit this proposed exhibit. Public Counsel will be required to obtain the appearance of the witness or witnesses who will be able to answer cross-examination questions about the two exhibits admitted after the close of the hearing.

IT IS THEREFORE ORDERED:

1. That the motion to reopen the record filed by the Office of the Public Counsel on July 5, 2002, is granted.

2. That the letter sent to Warren County Water and Sewer Company by the Missouri Department of Natural Resources, dated June 20, 2002, containing a Notice of Violation #1806 SL, and the attached report by Paul Mueller are admitted into the record as Exhibit 22.

3. That the hearing in this matter will reconvene on July 16, 2002, at 10:00 A.M. in Room 305 of the Governor Office Building, a building that meets accessibility standards of the Americans with Disabilities Act. Any person who needs specific accessibility accommodations may call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

4. That the Office of the Public Counsel shall ensure that the witness or witnesses who will be able to answer cross-examination questions about Exhibits 21 and 22 are present at the hearing.

5. That the parties may file Supplemental Initial Briefs no later than July 25, 2002.

6. That this order shall become effective on July 16, 2002.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of July, 2002.