

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

<b>Gerald and Joanne Reiersen,</b>	)	
	)	
<b>Complainants,</b>	)	
	)	
<b>v.</b>	)	<b><u>Case No. SC-2005-0083</u></b>
	)	
<b>Kenneth Jaeger and Blue Lagoon Sewer</b>	)	
<b>Corp.,</b>	)	
	)	
<b>Respondents.</b>	)	

**PROPOSED LIST OF ISSUES,**  
**ORDER OF WITNESSES,**  
**ORDER OF CROSS-EXAMINATION,**  
**AND ORDER OF OPENING STATEMENTS**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), on its own behalf and on behalf of Gerald and Joanne Reiersen and Robert Hellebusch (collectively, "Complainants"), Kenneth Jaeger and Blue Lagoon Sewer Corp. ("Respondents"), and the Office of the Public Counsel ("OPC"), and submits the following Proposed List of Issues, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements for the evidentiary hearing to be held in this case on April 26, 2007.

On January 29, 2007, the Commission issued its Order Setting Procedural Schedule, in which it: ordered the parties to agree upon and file a list of issues to be determined by the Commission; ordered each party to file a list of witnesses to appear on each day of the hearing and the order in which they shall be called; and ordered the parties to propose the order of cross-examination and file a joint pleading indicating the same. The Commission directed the parties to file their proposal by April 17, 2007.

The parties have conferred and have unanimously agreed upon the statement of the issues in this case, as set forth in Section I, below, and have also agreed upon the order of witnesses, the order of cross-examination, and the order of opening statements, as set forth in Sections II, III, and IV, below, respectively. The parties submit this pleading in compliance with the above-mentioned provisions of the Commission's Order Setting Procedural Schedule.

## **I. LIST OF ISSUES**

The parties have unanimously agreed upon the following list of issues that the Commission needs to resolve in order to make its decision in this case:

1. Is the Blue Lagoon sewer system, which is owned by the Respondents and serves the Lost Valley Subdivision, subject to regulation by the Missouri Public Service Commission?
2. If the Blue Lagoon sewer system is subject to regulation by the Commission, have the Respondents failed to provide safe and adequate service to their customers?
3. If the Blue Lagoon sewer system is subject to regulation by the Commission, should the Commission order the Respondents to make improvements to their system pursuant to the provisions of Section 393.140 (2), RSMo or Section 393.270.2, RSMo?
4. Have the Respondents been collecting or accepting fees for their services and, if so, have those fees been authorized by the Commission and found to be just and reasonable?
5. If the Blue Lagoon sewer system is subject to regulation by the Commission, should the Commission order Respondents to transfer their assets to Cannon Water District No. 1, pursuant to the provisions of Section 393.146, RSMo, or to transfer their assets to another third party?

6. If the Blue Lagoon sewer system is subject to regulation by the Commission, should the Commission order its general counsel to seek the imposition of penalties against the Respondents, pursuant to the provisions of Section 386.570, RSMo?

7. If the Blue Lagoon sewer system is subject to regulation by the Commission, should the Commission order its general counsel to seek the appointment of a receiver for the Respondents pursuant to the provisions of Section 386.145, RSMo?

## **II. LIST OF WITNESSES**

Set forth below is the anticipated order of appearance of witnesses, along with an estimate as to the day and time each will testify. The parties desire to expedite the hearing and therefore agree to make all of the witnesses available to testify immediately following the conclusion of the testimony by the preceding witness.

**Gerald Reiersen** (Thursday morning)

**Robert Hellebusch** (Thursday morning)

**Martin Hummel** (Thursday afternoon)

## **III. ORDER OF CROSS-EXAMINATION**

The order of cross-examination shall be as follows:

### **A. Complainants Gerald Reiersen and Robert Hellebusch**

1. Staff
2. OPC
3. Respondents

### **B. Staff Witness Martin Hummel**

1. Gerald Reiersen
2. Joanne Reiersen
3. Robert Hellebusch
4. OPC
5. Respondents

#### **IV. ORDER OF OPENING STATEMENTS**

The order of opening statements shall be as follows:

- A. Gerald Reiersen**
- B. Joanne Reiersen**
- C. Robert Hellebusch**
- D. Staff**
- E. OPC**
- F. Respondents**

**WHEREFORE**, based on the foregoing, the Staff, on its own behalf, and on behalf of Gerald and Joanne Reiersen, Robert Hellebusch, Kenneth Jaeger, Blue Lagoon Sewer Corp., and the Office of the Public Counsel submits this Proposed List of Issues, Order of Witnesses, Order of Cross-Examination and Order of Opening Statements to the Commission for its consideration.

Respectfully submitted,

**/s/ Keith R. Krueger**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed with first class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 17th day of April 2007.

**/s/ Keith R. Krueger**