

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 15, 2002**

CASE NO: WO-2002-226

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Charles Brent Stewart
John Dowe Miller
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, MO 65201

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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

In the Matter of the Application of the City of Pacific,)
Missouri, and Public Water Supply District No. 3 of)
Franklin County, Missouri, for Approval of a Territorial)
Agreement Concerning Territory Encompassing Part)
of Franklin County, Missouri)

Case No. WO-2002-226

ORDER ADOPTING PROCEDURAL SCHEDULE

On December 18, 2001, the Missouri Public Service Commission issued its order setting a prehearing conference and requiring the filing of a proposed procedural schedule in order to bring this matter to a prompt resolution. The prehearing conference was held on January 3, 2002, and the parties filed their joint proposed procedural schedule on January 11, 2002.

The Commission has reviewed the proposed procedural schedule. The parties hope to resolve this matter by a stipulation and agreement and thus have not included dates for the filing of testimony or briefs. The Commission, however, must adopt a procedural schedule which will be effective whether or not the case is resolved by the agreement of the parties. Therefore, the Commission will add dates for the filing of prepared testimony and for briefs. In the event that a stipulation and agreement is filed, the prepared testimony and briefs need not be filed. The Commission will adopt the proposed procedural schedule as modified and will apply the following conditions to the schedule:

- (A) In the event that a unanimous stipulation and agreement is not filed by February 1, 2002, the Commission will require the prefiling of testimony 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 prefilng 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) The parties must agree on and file a list of issues to be determined herein by the Commission. Staff will be responsible for actually drafting and filing the list of issues and the other parties must cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) Each party must file a list of the witnesses to appear on each day of the hearing and the order in which they will be called. The parties must establish the order of cross-examination and file a joint pleading indicating the same.

(D) Each party must file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement must be simple and concise, must follow the issues set out in the issues list, and must not contain argument about why the party believes its position to be the correct one.

(E) The transcript will be expedited.

(F) All pleadings, briefs and amendments must be filed in accordance with Commission Rule 4 CSR 240-2.080. The briefs to be submitted by the parties must follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the

remaining unresolved issues that are to be decided by the Commission. Each principal brief must not exceed 30 pages in length; reply briefs must not be permitted except by prior leave of the Commission. Briefs need not be filed if a unanimous stipulation and agreement is filed.

(G) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the law judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted:

List of Issues or Stipulation and Agreement All Parties	February 1, 2002
Direct Testimony All Parties	February 1, 2002
Position Statements and Witness List All Parties	February 4, 2002
Rebuttal Testimony All Parties	February 5, 2002
Evidentiary Hearing	February 7, 2002 10:00 a.m.
Briefs All Parties	February 11, 2002

2. The hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a facility which meets the accessibility standards of the Americans with Disabilities Act. If any person needs

additional accommodations to participate in the hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

3. That all pleadings must be filed in paper form. After the paper copies of the pleadings are properly filed, however, all parties are also encouraged to file copies of their pleadings electronically. Electronically-submitted documents may be provided on computer disk or submitted by e-mail to the law judge at bhopkins@mail.state.mo.us in a file saved in Word, WordPerfect, or ASCII format with an extension of *.doc, *.wpd, or *.txt. (Copies of exhibits, attachments, schedules, etc. need not be sent electronically; only pleadings should be sent electronically.).

4. That this order will become effective on January 25, 2002.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Law Judge**

(S E A L)

Bill Hopkins, Senior Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 15th day of January, 2002.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 15th day of Jan. 2002 .

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

