

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

March 29, 2000

CASE NO: EA-2000-308

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

Sincerely,



**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 Rolla, Missouri, for an Order Assigning)
Exclusive Service Territories and for Deter-) Case No. EA-2000-308
mination of Fair and Reasonable Compensation)
Pursuant to Section 386.800, RSMo 1994.)

ORDER EXTENDING TIME FOR DECISION AND
ADOPTING PROCEDURAL SCHEDULE

On October 29, 1999, the City of Rolla, Missouri (City or Rolla), filed an application with the Commission seeking an order pursuant to Section 386.800, RSMo 1994, assigning exclusive service territories and determining fair and reasonable compensation. According to its application, the area concerned is a tract containing approximately 1,350 acres, recently annexed by the City, and presently provided electric service by Intercounty Electric Cooperative Association (Cooperative).

On November 3, 1999, the Commission issued its Order Directing Notice and Adding a Party, by which Cooperative was made a party herein. That Order also established a deadline for applications to intervene. Accordingly, on December 2, 1999, an association of 16 persons collectively styled the Southside Neighbors filed their timely application to intervene. The Commission granted intervention by Order issued on December 17, 1999.

On March 1, 2000, a prehearing conference was held in this matter. Thereafter, on March 8, 2000, the parties jointly filed a proposed procedural schedule and motion to extend time for decision.

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Joint Motion to Extend Time for Decision:

Section 386.800.6, RSMo, requires this Commission to determine City's application within 120 days of filing, "[u]nless otherwise ordered by the Commission for good cause shown." On January 18, 2000, the Commission granted the parties' joint motion and extended the time for decision herein by 120 days, to June 25, 2000.

Now the parties seek a further extension to accommodate the procedural schedule which they have proposed. The new extension will run almost a year from today. The parties explain this lengthy extension request by pointing out that this is the first case of its kind to reach this stage of litigation. Much discovery remains to be done and every point is evidently contested. The parties require the lengthy extension requested in order to adequately prepare their cases for hearing.

The Commission considers the request of the parties to be reasonable under the circumstances. The Commission will extend the time for decision herein until March 15, 2001.

Joint Proposed Procedural Schedule:

The Commission has reviewed the proposed schedule and finds the dates appropriate for this case. Therefore, the Commission adopts the proposed schedule with only minor adjustments and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall 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) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall 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 shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall establish the order of cross examination and file a joint pleading indicating the same.

(D) Each party shall 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 shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one. The position statement shall be filed in both paper form and electronically, either on computer disk or by e-mail. Electronically-submitted documents shall be in Word, Word Perfect, or ASCII format. The Regulatory Law Judge's e-mail address is: ktomp099@mail.state.mo.us.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to

expedite the filing of the transcript, such request shall be tendered in writing to the Regulatory Law Judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall 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 shall not exceed 30 pages in length; reply briefs shall not exceed 15 pages in length. The presiding officer will establish a briefing schedule at the close of the hearing.

(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 regulatory law judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the parties' request to extend the time for decision herein is granted. The Commission hereby extends the time for decision in this case to Thursday, March 15, 2001.

2. That the following procedural schedule is adopted for this case:

| | | |
|--|---|---|
| City's Direct Testimony | - | June 1, 2000 3:00 p.m. |
| Rebuttal Testimony | - | July 18, 2000 3:00 p.m. |
| All parties except City | | |
| Surrebuttal/Cross-Surrebuttal Testimony | - | September 27, 2000 3:00 p.m. |
| All parties | | |
| Local Public Hearing | - | October 24, 2000 5:00 p.m. - 8:00 p.m. |
| Prehearing Conference | - | November 1, 2000 10:00 a.m. |
| Statement of Issues, List of Witnesses, Order of Cross | - | November 14, 2000 3:00 p.m. |
| Position Statements of All Parties | - | November 21, 2000 3:00 p.m. |
| Evidentiary Hearing | - | December 4 - 7, 2000 9:00 a.m. |

The hearing and prehearing conference will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing or prehearing conference at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

3. That this order shall become effective on April 11, 2000.

BY THE COMMISSION

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

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 29th day of March, 2000.

FYI: To Be Issued By Delegation

Atty/Sec'y: Thompson / Type

Date Circulated 3-27

Return by 3-30
10 am

CASE NO. EA-2000-308

[Signature]
Lumpke, Chair

[Signature]
Crump, Vice-Chair

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Draimer, Vice-Chair

[Signature]

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 29th day of March 2000.

[Signature: Dale Hardy Roberts]

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

