

4/2/00  
WLA

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

House of Denmark, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-99-297</u>
	)	
St. Louis County Water Company,	)	
	)	
Respondent.	)	

**ORDER REQUIRING FILING**  
**OF PROPOSED PROCEDURAL SCHEDULE**

This matter arises out of a complaint filed against St. Louis County Water Company (STLCWC) by one of its commercial customers, House of Denmark, Inc. (Denmark). Denmark filed its complaint on January 7, 1999, seeking a variance from a rule of STLCWC with respect to an additional water meter and irrigation system connection, allegedly installed in STLCWC's meter box at Denmark's premises in violation of STLCWC's rule. On January 25, 1999, STLCWC timely filed its answer. Thereafter, the Commission set a prehearing conference and ordered the filing of a joint proposed procedural schedule.

On the eve of the prehearing conference, the parties advised the Commission of their desire to pursue mediation as an alternative to litigation. On February 26, 1999, the Commission acknowledged the parties' desire to pursue mediation of their dispute and set out by order a minimal procedural framework within which that mediation could go forward. By arrangement with the Center for Alternative Dispute

Resolution (ADR) at the Law School of the University of Missouri-Columbia, the parties were directed to contact the ADR to acquire a mediator, schedule one or more sessions, and report back to the Commission in a month. The parties failed to report back as directed and an Order Directing Filing from the Commission was required to elicit a status report from the parties. That report was finally filed on April 15, 1999, and STLCWC filed its further Answer to Order Directing Filing on April 19, 1999.

In their status report, the parties complain that no one at the ADR has sufficient expertise in utility regulation to assist them in resolving their dispute. The parties request that the Commission provide a mediator familiar with regulatory matters. In its separate Answer filed on April 19, 1999, STLCWC states that it is prepared to cooperate with a Commission-provided mediator, as requested in the joint status report, or to proceed to hearing.

Rule 4 CSR 240-2.125 provides for the participation of one of the Commission's Regulatory Law Judges in settlement negotiations. That rule must be invoked by motion and the rule specifies the motion's contents. The parties herein may choose to file such a motion; otherwise, they shall file their joint proposed procedural schedule on or before May 10, 1999.

**IT IS THEREFORE ORDERED:**

1. That the parties shall jointly prepare and file a proposed procedural schedule on or before May 10, 1999. The proposed procedural schedule shall set dates for the prefiling of direct, rebuttal, and surrebuttal testimony, and for an evidentiary hearing.

2. That this order shall become effective on May 6, 1999.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

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 26th day of April, 1999.

RECEIVED

APR 26 1999

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION