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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 10th
day of March, 1993.

In the matter of the investigation of § 712 standards)
of the Energy Policy Act of 1992.) Case No. EO-93-218
)

ORDER AS TO NATURE OF PROCEEDINGS,
SCOPE OF PROCEEDINGS, AND
SCHEDULE OF PROCEEDINGS

On January 15, 1993 the Commission issued its Order And Notice Establishing A Docket And Setting Prehearing Conference in these proceedings. The Commission set an intervention deadline of February 11, 1993 and set a prehearing conference in the matter for February 19, 1993 for the interested parties to consider recommendations as to the nature of the proceedings, scope of the proceedings and schedule of proceedings. On February 17, 1993 the Commission issued its Order Granting Intervention to those interested parties who had applied for intervention prior to the deadline. On February 19, 1993 the parties convened for the prehearing conference and on March 3, 1993 submitted a memorandum summarizing the discussions and general conclusions reached at the prehearing conference.

After considering the Memorandum filed by the parties and Section 712 of the Federal Energy Policy Act, the Commission determines that the most reasonable approach for the Commission is to proceed in this docket as a generic investigation. The Commission has considered the alternative of proceeding pursuant to 4 CSR 240-2.180 as a rulemaking and rejects this as the most appropriate process to comply with the dictates of Section 712 of the federal Energy Policy Act. The Commission is of the opinion that the rulemaking procedure at this point would not allow time for ample exploration of the facts and due consideration in light of the statute's requirement that a determination

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be reached by October 23, 1993. Due to time constraints, only a relatively simple rule would likely be proposed and the probability is great that a second rulemaking would be required to fill in the skeleton of the first rulemaking. Such redundancy should be avoided if possible. The Commission notes that no party has proposed a rule at this point or even indicated a desire to proceed in this investigation to comply with the Section 712 time requirements by rulemaking. The Commission is in agreement with the parties that if any party takes the position that the Commission should adopt standards based on Section 712 in this proceeding, that party should propose a rule regarding such standards as part of its direct testimony.

The Commission is further of the opinion that these proceedings should proceed in the usual Commission version of an evidentiary hearing, with a typical procedural schedule that includes the prefiling of testimony, hearing memorandum, hearing dates for cross-examination, and briefs. The Commission also approves of the holding of at least one "workshop". In accordance therewith, the Commission concurs with the parties that only those parties requesting work papers be provided work papers and that the term "work papers" should not be narrowly defined by any party but should be broadly construed. The purpose of the "workshop" is to identify for the Commission and for each other, before the filing of direct testimony, what each party views as the issues raised by Section 712. No party will be precluded from raising in this proceeding any issue it deems appropriate, nor from raising an issue that occurs to it subsequent to the workshop(s). In accordance with this privilege, a party should notify all other parties if it identifies an issue after the scheduled workshop(s) which said party believes should be addressed in this docket.

The Commission determines that pursuant to the parties' proposal, it will adopt the following procedural schedule:

Lists of issues received by all parties	March 10, 1993 5:00 p.m.
Issues workshop - Rooms 493 and 494 combined, Truman State Office Bldg., 301 W. High St., Jefferson City, MO	March 15, 1993 10:00 a.m.
Composite list of issues filed	March 30, 1993 5:00 p.m.
Direct testimony, schedules and work papers	May 18, 1993 3:00 p.m.
Prehearing conference - hearing room, Fifth Floor, Truman State Office Bldg., 301 W. High St., Jefferson City, MO	May 26-28, 1993 10:00 a.m.
Rebuttal testimony, schedules and work papers	June 8, 1993 3:00 p.m.
Hearing memorandum	June 15, 1993 3:00 p.m.
Surrebuttal testimony, schedules and work papers	June 24, 1993 3:00 p.m.
Evidentiary hearing - hearing room, Fifth Floor, Truman State Office Bldg., 301 W. High St., Jefferson City, MO	July 6-7, 1993 10:00 a.m.
Briefs	Dates to be set

IT IS THEREFORE ORDERED:

1. That proceedings in this case will proceed in the nature of a generic investigation.

2. That the proceedings in this case will require an evidentiary hearing and follow the standard Commission procedures relating to evidentiary hearings, with the additional requirement of an issues workshop.

3. That the procedural schedule herein set forth be hereby adopted.

4. That the parties be hereby ordered to comply with all the procedural requirements as herein set out.

5. That this order shall become effective on the date hereof.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Rauch, Perkins
and Kincheloe, CC., concur.
Mueller, C., absent.