

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Osage)	
Water Company for Permission, Approval,)	
and a Certificate of Convenience and)	
Necessity Authorizing It to Construct,)	
Install, Own, Operate, Control, Manage and)	<u>Case No. WA-99-256</u>
Maintain a Water and Sewer System for the)	
Public Located in an Unincorporated)	
Portion of Camden County, Missouri, Known)	
as Lakeview Beach.)	

ORDER ADOPTING PROCEDURAL SCHEDULE

On June 29, 1999, Osage Water Company (OWC) filed its *Motion to Establish Procedural Schedule*. The motion sets forth a proposed schedule that OWC states that OWC, the Staff of the Missouri Public Service Commission (Staff), and the Office of the Public Counsel (OPC) developed at the prehearing conference on June 23, 1999. The Commission has reviewed the proposed schedule and finds the dates appropriate.

The Commission adopts the following procedural schedule and finds that these conditions should be applied:

(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) Pursuant to 4 CSR 240-2.130(15), testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not contain argument about why the party believes its position to be the correct one.

(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. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper

portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(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 following procedural schedule is established for this case:

Direct testimony of Osage Water Company	-	July 13, 1999 3:00 PM
Rebuttal testimony of Staff, OPC	-	August 5, 1999 3:00 PM
Surrebuttal testimony	-	August 19, 1999 3:00 PM
List of issues and witnesses, and statements of positions	-	August 26, 1999 3:00 PM
Evidentiary Hearing	-	September 8-9, 1999 8:30 AM first day to mark exhibits

2. That the evidentiary hearing 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 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 July 12, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 2nd day of July, 1999.

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COMM. OF REG. & DISCIPLINE
PUBLIC SERVICE COMMISSION