

✓  
124  
20  
20

519

### ORDER ADOPTING PROCEDURAL SCHEDULE

On December 16, 1997, the Commission's Report and Order in Case No. WR-97-382 became effective. In Ordered Paragraph #4 of that Report and Order, the Commission established Case No. WO-98-223 to consider an accounting authority order designed to accrue infrastructure replacement costs for St. Louis County Water Company.

On February 25, 1998, the Staff of the Missouri Public Service Commission (Staff), by its Counsel, filed a Motion to Establish Procedural Schedule. Staff's Motion indicated that St. Louis County Water Company and the Office of the Public Counsel were in concurrence with its procedural schedule. No objections or other motions related to the proposed procedural schedule have been filed.

The Office of the Public Counsel (Public Counsel) filed Direct Testimony of Russell W. Trippensee on March 30. On March 31, the Direct Testimony of J.M. Jenkins was filed by Staff and the Direct Testimony of Stephen M. Rackers was filed by the St. Louis County Water Company.

The Commission will adopt a variation of the proposed procedural schedule as set forth in the ordered paragraphs below. In addition, the

Commission finds that the following conditions shall be applied to the schedule.

A. The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing, definitions of essential terms, each party's position on the disputed issues, and the order of cross-examination. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. Staff will be responsible for preparing and filing the hearing memorandum. The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the date set. Each party is directed to provide Staff with its position on each unresolved issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present its signature element (a signed page) or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant and any party who fails or refuses to sign the final copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

B. The Commission's general policy provides for the filing of the transcript ten working days after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the regulatory law judge at least five days before the hearing.

C. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. The briefs to be submitted by the parties shall follow the same format established in the hearing memorandum. Initial 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. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is adopted for this proceeding, subject to the conditions discussed above:

Direct testimony	-	April 10, 1998 3:00 p.m.
Rebuttal testimony	-	April 23, 1998 3:00 p.m.
Hearing Memorandum	-	April 29, 1998
Evidentiary hearing	-	May 18-19, 1998 9:00 a.m.

2. The evidentiary hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days before the prehearing conference or hearing at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That this order shall become effective on April 9, 1998.

**BY THE COMMISSION**

*Dale Hardy Roberts*

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

(S E A L)

Nancy Dippell, 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 9th day of April, 1998.

RECEIVED  
APR 03 1998  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION