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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

West Elm Place Corporation,       )  
  Complainant,       )  
vs.                                        )  
  )  
Imperial Utility Corporation,       )  
  Respondent.       )

Case No. SC-98-180

**ORDER ADOPTING PROCEDURAL SCHEDULE**

On April 6, 1998, West Elm Place Corporation (Complainant) filed a proposed procedural schedule. The proposal indicates that Imperial Utility Corporation (Respondent), Staff of the Missouri Public Service Commission (Staff), and Office of the Public Counsel (Public Counsel) have agreed to recommend the proposed schedule which will allow more time for additional negotiations. Complainant indicates that the parties cannot state with certainty as to whether any contracts may be submitted later for Commission approval.

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

(1) The Commission requires 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.

(2) Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has

first been established by the Commission. The party that considers information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(3) The Commission has scheduled a prehearing conference in this case to allow the parties the opportunity to resolve procedural and substantive issues.

(4) 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.

(5) 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 their 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.

(6) 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 administrative law judge at least five days prior to the date of the hearing.

(7) The Commission will limit the length of initial briefs to 30 pages and reply briefs to 15 pages. 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 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.

(8) 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 shall bring, in addition to the three copies for the court reporter, six copies for the bench, as well as copies for opposing counsel.

**IT IS THEREFORE ORDERED:**

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

All parties file direct testimony	September 15, 1998 3:00 p.m.
All parties file rebuttal testimony	November 16, 1998 3:00 p.m.
All parties file surrebuttal testimony	January 15, 1999 3:00 p.m.
Hearing Memorandum	February 3, 1999 3:00 p.m.

**Hearing**

**February 10, 1999  
9:00 a.m.**

The 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. 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.

2. That this order shall become effective on April 13, 1998.

**BY THE COMMISSION**



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

(S E A L)

Gregory T. George, 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 13th day of April, 1998.