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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 17th
day of September, 1998.

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 Maintain)
a Water System for the Public Located)
in Parkview Bay Subdivision, Osage)
Beach, Missouri.)

Case No. WA-98-236 ✓

Osage Beach Fire Protection District,)
)
)
Complainant,)

v.)

Case No. WC-98-211

Osage Water Company,)
)
Respondent.)

**ORDER GRANTING MOTION TO EXTEND TIME IN WHICH TO DEPOSE WITNESSES
AND GRANTING REQUEST FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY**

On August 24, 1998, the Osage Beach Fire Protection District
(District) filed a Motion to Extend Time in Which to Depose Witnesses.
District claims that it became aware that there is a civil lawsuit
pending against Osage Water Company (Osage) and that there are
depositions in that case scheduled for September 23. On September 4,
Osage filed a response opposing the extension. Osage states that the
procedural schedule established by the Commission set a date of May 25

as the deadline for taking depositions. Osage also states that it informed the District of the pending lawsuit in a data request response on or about March 26. Osage also points out that direct and rebuttal testimony have been filed pursuant to that schedule. On September 15, the District filed three notices to take depositions.

Although the deadline for the taking of depositions established in the procedural schedule has passed, the general provision for taking depositions in matters before the Commission is that depositions may be taken at any time up to twenty days before the scheduled evidentiary hearing. In this case, that date would be October 6. The standard for allowing discovery is that the discovery request is reasonably calculated to lead to the discovery of relevant evidence, and the depositions of the three witnesses may well lead to the discovery of relevant evidence. The Commission is reluctant to constrain discovery in this matter. However, the Commission reminds the parties that, pursuant to 4 CSR 240-2.130(7)(C), surrebuttal testimony shall be limited to material which is responsive to matters raised in rebuttal testimony. Regardless of the information discovered in the depositions, this rule applies.

On September 1, the Staff of the Commission (Staff) filed a Request for Extension of Time to File Rebuttal Testimony. Staff states that one of the two Staff witnesses submitting rebuttal testimony was unable to meet the filing date because of a family emergency. The testimony of that witness was filed on September 4. No party objected to the Staff's request and the Commission finds it reasonable.

IT IS THEREFORE ORDERED:

1. That the Motion to Extend Time in Which to Depose Witnesses filed on August 24, 1998, by the Osage Beach Fire Protection District is granted.

2. That the Request for Extension of Time to File Rebuttal Testimony filed on September 1, 1998, by the Staff of the Commission is granted.

3. That this order shall become effective on September 29, 1998.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Crumpton, Murray, Schemenauer and Drainer, CC., concur.
Lumpe, Ch., absent.

Mills, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION