

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

In the Matter of the Application of)
AquaSource Development Company for)
Permission, Approval and the Issuance)
of a Certificate of Public Convenience)
and Necessity Authorizing it to Construct,)
Install, Own, Operate, Control, Manage,)
and Maintain a Sewer System and Authorizing)
It to Provide Sewer Service to a Portion)
of Morgan County, Missouri, and Approving)
Initial Tariff.)

Case No. SA-99-608

**ORDER GRANTING THE VILLAGE OF LAURIE'S REQUEST TO WITHDRAW
APPLICATION TO INTERVENE AND PARTICIPATE AND ADOPTING
PROCEDURAL SCHEDULE**

On June 24, 1999, AquaSource Development Company (AquaSource) filed an application for a certificate of public convenience and necessity for authorization to construct, install, own, operate, control, manage and maintain a sewer system to provide sewer service in an area of Morgan County, Missouri. On August 2, the Village of Laurie was granted leave to intervene. A prehearing conference was held on August 26. As a result of discussions had at the prehearing conference, on September 3, AquaSource filed a Motion for Extension of Time to File Procedural Schedule. That motion represented that all the parties agreed that additional time was needed for negotiations. The Commission issued an order on September 7, granting the Motion for Extension of Time. The

parties were directed to file a proposed procedural schedule no later than October 15.

On October 15, the Village of Laurie filed a Request to Withdraw Application to Intervene and Participate. Also on October 15, the Staff of the Commission (Staff) filed a Proposed Procedural Schedule. Staff indicated that the Village of Laurie had not participated in discussions regarding the procedural schedule, but that Staff, AquaSource and the Office of the Public Counsel had agreed to the submitted schedule. No responses have been filed to either the Request to Withdraw Application to Intervene and Participate, or the Proposed Procedural Schedule.

The Commission has reviewed the Village of Laurie's request to withdraw from participation in this case and concludes that the request should be granted. The Commission has also reviewed the proposed procedural schedule and finds it to be generally appropriate. However, the proposed procedural schedule does not include a date for a prehearing conference. The Commission believes that a prehearing conference is necessary to allow the parties to have one more face-to-face discussion about the case prior to the filing of surrebuttal testimony and submission of the statement of issues and the parties position statements. Therefore, a prehearing conference will be scheduled.

The Commission will apply the conditions set out below to the procedural schedule in this case.

(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. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution.

(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 that 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 Village of Laurie's Request to Withdraw Application to Intervene and Participate is granted.

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

<u>Date</u>	<u>Event</u>
December 15, 1999, 3:00 p.m.	Direct Testimony
January 17, 2000, 3:00 p.m.	Rebuttal Testimony
February 16, 2000, 10:00 a.m.	Prehearing Conference
February 23, 2000, 3:00 p.m.	Surrebuttal Testimony

March 1, 2000, 3:00 p.m. Statement of Issues to be filed by Staff

March 8, 2000, 3:00 p.m. Statements of Position to be filed by all parties

March 15, 16 and 17, 2000, 8:30 a.m. Hearing

3. That the prehearing conference and the evidentiary hearing will be held in the Commission's office 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 (10) days before the prehearing conference at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

4. That this order shall become effective on November 8, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 27th day of October, 1999.

R E C E I V E D

OCT 27 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION