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March 8, 2000

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Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: EA-2000-308

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **PROPOSED PROCEDURAL SCHEDULE AND JOINT MOTION TO EXTEND TIME FOR DECISION.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Dennis L. Frey
Dennis L. Frey
Assistant General Counsel

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Enclosure

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAR 08 2000

Missouri Public
Service Commission

In the Matter of the Application of the)
City of Rolla, Missouri, for an Order)
Assigning Exclusive Service Territories)
and for Determination of Fair and)
Reasonable Compensation pursuant to)
Section 386.800 RSMo 1994.)

Case No. EA-2000-308

PROPOSED PROCEDURAL SCHEDULE
AND JOINT MOTION TO EXTEND TIME FOR DECISION

COME NOW the undersigned parties to this proceeding, and for their Proposed Procedural Schedule and Joint Motion to Extend Time for Decision, respectfully state as follows:

1. On October 29, 1999, the City of Rolla, Missouri ("City") filed with the Missouri Public Service Commission ("Commission") an Application seeking an order, pursuant to Section 386.800 RSMo 1994, designating a specific area as the exclusive electric service territory of the City, and setting fair and reasonable compensation to be paid to Intercounty Electric Cooperative ("Intercounty" or "Cooperative") as a result of such designation. According to the Application, the area concerned consists of approximately 1350 acres, recently annexed by the city and presently receiving electric service from Intercounty. In addition, the City's Application requested that the Commission issue an order: a) making Cooperative a party to this action; b) extending the 120-day time period between filing of the City's Application and the Commission's decision, pending the proposal of a procedural schedule by the parties; and c) finding that the City is not required to submit a feasibility study with its Application.

2. On November 3, 1999, the Commission issued its Order Directing Notice and Adding a Party, wherein, in addition to ordering notice and setting an intervention deadline of

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December 3, 1999, the Commission ordered that Intercounty be made a party to this case and that the City need not file a feasibility study with its Application.

3. On December 2, 1999, a group of 16 named individuals (collectively named the "Southside Intervenors"), who reside in the aforementioned newly annexed area, timely filed their Application to Intervene in this docket. To date, there have been no other applications to intervene.

4. On December 3, 1999, Intercounty filed its Response to the City's Application. Said Response included a Motion to Dismiss, based on the allegation that the statutory requirements for extension of the original 180-day time period for negotiations between the City and Intercounty had not been met, and that therefore City's Application must be dismissed as untimely. In the alternative, Intercounty moved and requested, in pertinent part, that the Commission: a) set the matter for an evidentiary hearing and extend the aforementioned 120-day time limit for a Commission decision; b) order the City to file a feasibility study in support of the City's Application; c) schedule one or more local hearings; and d) join as parties in this case, Rural Utility Services and Natural Rural Cooperative Finance Corporation.

5. The City filed its Reply to Intercounty's Response and Intercounty's Motions on December 13, 1999. In its Reply, the City offered evidence that the statutory requirements for extension of the negotiation period were met. The City's Reply also contested Intercounty's other requests, with the exception of the motion to extend the statutory 120-day time period for the Commission's decision.

6. On January 18, 2000, the Commission issued an Order: a) denying Intercounty's Motion to Dismiss; b) granting the parties' request to extend the time for decision and extending said time for decision until June 25, 2000; c) denying the Cooperative's contingent motion that

the City be ordered to file a feasibility study in connection with its Application, and ordering instead that the City demonstrate the feasibility of its plan in its Direct testimony; d) granting Intercounty's request for a local public hearing; e) denying Intercounty's contingent request to add parties; f) setting a prehearing conference for February 1, 2000 at 10:00 a.m.; and g) requiring that the parties jointly prepare and file a proposed procedural schedule by February 8, 2000.

7. On January 19, 2000, the City filed a Motion to Reschedule Prehearing Conference, asserting that the February 1, 2000 date for the prehearing conference was too early. The City grounded its Motion on the uniqueness of this proceeding, the consequent protracted process of discovery and issue identification, the unavailability of counsel for the City on that date (and until February 14th), and the fact that the Commission Staff and the Office of the Public Counsel respectively supported and did not oppose the City's Motion. Intercounty filed a Response to City's Motion to Reschedule on January 24th, wherein, while taking issue with the City's characterizations of Cooperative's responses to certain data requests, Intercounty stated that it had no objection to a rescheduling of the prehearing conference to early March or some time thereafter.

8. On January 31, 2000, the Commission issued an Order canceling the February 1st prehearing conference and resetting it for March 1st at 10:00 a.m. In addition, the Commission delayed, from February 8th until March 8th, the time by which the parties are required to file a proposed procedural schedule.

9. On February 24, 2000, the Commission issued its Order Adopting Protective Order, in response to Intercounty's January 24, 2000 motion requesting the same.

10. In accordance with the Commission's January 31, 2000 Order, the parties attended a prehearing conference on March 1, 2000 for the purpose of, among other things, proposing a reasonable procedural schedule for disposition of the issues raised in this case. All parties to this case jointly participated in the development of, and hereby agree to, the schedule proposed below.

11. The schedule includes a suggested date of October 24, 2000 for the local public hearing authorized by the Commission in its above-noted January 18th Order. The parties believe that this date, which follows the filing of prepared testimony, will allow time for the issues in this unique case to crystallize to the point where the parties can be sufficiently informed and, as a result, can help to ensure that the public derives maximum benefit and satisfaction from the local hearing. Accordingly, the parties have taken the initiative and have tentatively reserved the Rolla Elk's Lodge, located at 1401 South Bishop (South Highway 63) in Rolla, Missouri, from 6:00 until 9:00 on the evening of October 24th.

Procedural Schedule

Prepared Direct testimony (City only)	June 1, 2000 (by 4:00 p.m.)
Prepared Rebuttal testimony (all other parties)	July 18, 2000 (by 4:00 p.m.)
Prepared Surrebuttal/Cross-Surrebuttal testimony (all parties)	September 27, 2000 (by 4:00 p.m.)
Local Public Hearing	October 24, 2000 (6:00 – 9:00 p.m.)
Prehearing Conference (10:00 a.m.)	November 1, 2000
Statement of the Issues (list and order of witnesses)	November 14, 2000 (by 4:00 p.m.)
Statement of Positions on the Issues (each party)	November 21, 2000 (by 4:00 p.m.)
Evidentiary Hearing	December 4-7, 2000 (first day: 8:30 a.m.)

Motion to Extend Time for Decision

12. In its January 18, 2000 Order, the Commission, pursuant to Section 386.800.6 RSMO 1994, extended the time for its decision in this case until June 25, 2000, adding that: "The parties may seek additional extensions if needed." The procedural schedule proposed above clearly reflects the parties' opinion that it is not feasible to meet the June 25th deadline, and that, in fact, much more time will be required to resolve this matter.

13. As noted earlier, this is a unique type of proceeding at the Commission and, to the best of the parties' knowledge, it is the first such case to reach this stage in the process. For this reason, the discovery process will undoubtedly be a protracted one. At the present time for example, the parties have already issued more than 150 data requests. Moreover, in the process

of sifting through and distilling what promises to be voluminous information, the parties anticipate that a number of additional rounds of data requests may well be required before the issues come into focus and the parties are able to take positions thereon. Indeed, the parties anticipate that the filing of testimony will likely be integral to the process of framing the issues, as well as to the prospects for an eventual settlement. Furthermore, and again owing to the uniqueness of this proceeding, the parties believe strongly that the amount of time between rounds of testimony should also be greater than usual.

14. In light of this case's inherently lengthy time frame, as expressed in the proposed procedural schedule, it is clear that the date by which the Commission will render a decision needs to be extended from June 25th to well into the year 2001. Specifically, the parties recommend that the date for the Commission's decision be extended to May 1, 2001. This date should accommodate the necessary briefing schedule during the holiday season and thereafter provide the Commission with sufficient time to render its decision.

WHEREFORE, for the reasons stated above, the undersigned parties respectfully request that the Commission issue an order adopting the Procedural Schedule proposed above, and extending the time for decision in this case until May 1, 2001.

Respectfully submitted,

DANA K. JOYCE
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Neighbors")

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 8th day of March 2000.

Dennis L. Frey

Service List for
Case No. EA-2000-308
Revised: March 8, 2000

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