

Staff of the Missouri Public Service  
Commission,

Complainant,

v.

Consolidated Public Water Supply District  
C-1 of Jefferson County, Missouri,

and

City of Pevely, Missouri,

Respondents.

**JOINT PROPOSED PROCEDURAL SCHEDULE**  
**AND DISCOVERY ORDER**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through the Chief Staff Counsel, on behalf of all the parties and for their *Joint Proposed Procedural Schedule and Discovery Order*, states as follows:

## **General Conditions**

1. All proceedings shall be governed by the Commission's practice rules at 4 CSR 240-2.
2. The parties shall pre-file prepared testimony pursuant to the schedule set out herein and according to Rule 4 CSR 240-2.130, (6)-(8).

### Discovery Conditions

3. The parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is

filed.

4. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.

5. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

6. The parties make the following agreements regarding response time for data requests:

(A) Until direct testimony is filed, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or to notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

(B) After direct testimony is filed, and until rebuttal testimony is filed, the response time for data requests shall be ten (10) business days to provide the requested information, and five (5) business days to object or to notify the requesting party that more than ten (10) business days will be needed to provide the requested information.

(C) After rebuttal testimony is filed, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information.

7. The parties agree to the following provisions regarding discovery:

(A) Discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.

(B) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.

(C) Discovery conferences shall be on the record and shall be transcribed by a court reporter.

(D) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(E) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is

waived.

(F) If the parties do not identify any discovery disagreements or concerns as described in Paragraph 7(B), the time allotted for the discovery conference may be used for informal, off-the-record technical conferences as arranged in advance by the Parties.

(G) The Parties shall make an effort to resolve all discovery disputes in a timely manner well before the hearing; however, the Parties shall present any outstanding discovery issues to the regulatory law judge at the beginning of the hearings on June 11, 2014.

(I) The Parties shall make an effort to not include in data request questions either highly confidential or proprietary information, and the Parties shall make an effort not to over-designate information as either highly confidential or proprietary. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

(K) Any data requests between Staff and the Respondents, or between the Respondents and Staff, shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued between Staff and other parties, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the

certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list.

**Proposed Procedural Schedule**

8. The Parties further recommend the Commission adopt the following procedural schedule:

<b><u>Item</u></b>	<b><u>Date</u></b>
Discovery Conference	March 28, 2014
Discovery Conference	April 18, 2014
Direct Testimony	April 25, 2014
Discovery Conference	May 9, 2014
Rebuttal Testimony	May 16, 2014
Discovery Conference	May 23, 2014
Surrebuttal Testimony	May 30, 2014
List and Order of Witnesses, Order of Opening, Order of Cross Examination	June 6, 2014
Evidentiary Hearing	June 11, 2014
Initial Briefs	July 23, 2014
Reply Briefs	August 6, 2014

**WHEREFORE,** Staff and all the parties pray that the Commission will adopt the foregoing *Proposed Procedural Schedule and Discovery Order*.

Respectfully submitted,

s/ Kevin A. Thompson

**KEVIN A. THOMPSON**

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Missouri Public Service Commission.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **14<sup>th</sup> day of March, 2014**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

**s/ Kevin A. Thompson**