

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

In the Matter of Missouri-American Water )  
Company's Request for Authority to )  
Implement a General Rate Increase for )  
Water and Sewer Services Provided in )  
Missouri Service Areas. )

**Case No. WR-2010-0131**

**PROPOSED PROCEDURAL SCHEDULE AND LIST OF CONDITIONS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and on its own behalf, the behalf of the Missouri-American Water Company (“MAWC” or “Company”) and the Office of Public Counsel (“OPC”), and the behalf of the intervenors UWUA Local 335, AG Processing, Inc., City of Warrensburg, Saint Louis Area Fire Sprinkler Association, City of Joplin, Missouri Energy Group, Public Water Supply District Nos. 1 and 2 of Andrews County, Public Water Supply District No. 1 of DeKalb County, Metropolitan St. Louis Sewer District, City of Riverside, City of St. Joseph, Triumph Foods, LLC, City of Jefferson, and the Missouri Industrial Energy Consumers<sup>1</sup>, with all the above-mentioned known collectively as “the Parties”, and submits to the Missouri Public Service Commission (“Commission”) the following *Proposed Procedural Schedule and List of Conditions*:

The above-named Parties unanimously agree to recommend the following procedural schedule:

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<sup>1</sup> Missouri Industrial Energy Consumers (MIEC) did not participate in the prehearing conference held in this matter on December 14, 2009. At the time of this filing, MIEC has not stated its position on this final version of the *Proposed Procedural Schedule And List Of Conditions*, although the Counsel for Staff attempted to contact the party various times by telephone and email.

Direct Testimony (Revenue Requirement)—	
Non-Company Parties	March 9, 2010
Direct Testimony (Class Cost of Service and Rate Design)—	
Non-Company Parties	March 26, 2010
Local Public Hearings (“LPHs”)	March 29, 2010-April 9, 2010; OPC to file a separate request for LPHs with recommended dates and locations
Prehearing Conference	April 5-9, 2010
Preliminary Issues List	April 9, 2010
Rebuttal Testimony	April 15, 2010
Surrebuttal Testimony	May 6, 2010
Joint List of Issues, Order of Witnesses, Order of Cross Examination	May 10, 2010
Reconciliation	May 10, 2010
Statements of Position	May 12, 2010
Evidentiary Hearing	May 17-28, 2010
True-Up Direct	June 16, 2010
True-Up Rebuttal	June 25, 2010
Initial Briefs (On Issues Heard During Evidentiary Hearing)	June 30, 2010
True-Up Hearing	July 1-2, 2010
Reply Briefs (On Issues Heard During Evidentiary Hearing)	July 12, 2010
True-Up Briefs	July 23, 2010
Operation of Law Date	September 29, 2010

## **PROPOSED LIST OF CONDITIONS**

The above-named Parties request that the Commission issue an order, which adopts and incorporates the following conditions:

1. The Parties request that the Commission cancel the April 27-30, 2010 hearing dates reserved for SR-2010-0135, stating that on December 14, 2009, the Commission consolidated the water and sewer rate increase requests into the above-captioned case, and the Parties will try any contested issues during the time reserved for WR-2010-0131.
2. The Parties agree that MAWC will update its case for known and measurable item changes through October 31, 2009, and provide the updates to the Staff and to other requesting Parties.
3. The Parties agree to propose the dates above for the local public hearings, with all dates falling at least one week after the filing of Direct Testimony—Revenue Requirement on March 9, 2010. The Parties further agree to propose the same city locations for the LPHs as the Commission adopted in its June 30, 2008 *Order Adopting Procedural Schedule* in WR-2008-0311 (Mexico, Warrenton, Warrensburg, Parkville, Joplin, St. Joseph, St. Charles, Jefferson City, St. Louis, and Kirkwood, Missouri), except for the agreement to change the Parkville location to Riverside, Missouri. The OPC intends to file a pleading by January 5, 2010, to recommend these locations and dates.
4. The Parties may electronically serve all pleadings, testimony, and other filings by transmitting a copy to all Parties' counsel of record. The Parties shall serve such filings contemporaneous with the filing itself, and shall go only to the attorneys, who will bear the responsibility for the further distribution to their respective clients.

5. The Parties shall, without the necessity of a request, serve workpapers electronically upon all parties no later than two business days following the filing of the testimony to which they pertain.

6. The Parties agree to shorten the response and objection intervals for Data Requests (“DRs”) as of the date for filing the Direct Testimony-Revenue Requirement testimony (i.e. March 9, 2010), to ten calendar days for responses and five business days for objections.

7. The Parties shall electronically provide all DRs to the counsel of record for each party as shown on the certificated service list. The party propounding the DR shall endeavor to avoid including highly confidential or proprietary matter in a DR question. The responding party shall provide all DR responses only to the specific party (ies) requesting them. When a party requests that a response to a specific DR posed by another also be provided to them, that request shall not initiate a new time period if the response originally requested is readily available, but the response shall be provided as soon as practicable and concurrently with the response to the original request if the time period for the original request has not expired.

8. The responding party shall provide DR responses in electronic format to the extent reasonably possible. No party shall construe this condition to require undue efforts to convert materials from hard copy to electronic format that do not already exist in the electronic format.

9. On or before the first day of the evidentiary hearing (i.e. May 17, 2010), the Parties shall pre-mark all their prefiled testimony as exhibits, and provide a listing of such exhibits to all other Parties. Each party shall number its exhibits sequentially, and shall include a shorthand indication of the party’s name as part of the exhibit number, separated from the number by a dash. Example: the Company might designate an exhibit “MAWC-1”.

10. The Parties request that the Commission waive 4 CSR 240-2.045(2) for the purposes of this proceeding and any item filed electronically using EFIS shall be deemed timely filed if received in EFIS by midnight of the date on which it is due.

11. Due to the condensed procedural schedule in this case, the Staff respectfully requests that the Commission expedite the transcripts for both the evidentiary and true-up hearings, as to allow the Staff and all Parties as much of the time allotted herein for preparing briefs as possible.

**WHEREFORE**, the Staff, on the behalf of the Parties, respectfully requests that the Commission issue an order which adopts and incorporates both the *Proposed Procedural Schedule* and the *Proposed List of Conditions* provided herein.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 29<sup>th</sup> day of December 2009.

/s/ Jennifer Hernandez