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

In the Matter of St. Joseph Light & Power )	
Company's Revised Electric Rate Schedules )	
Designed to Increase Rates for Electrical )	<u>Case No. ER-99-247</u>
Service in the Company's Missouri )	<u>Tariff No. 9900427</u>
Service Territory. )	

The Staff of the Missouri Public )	
Service Commission, )	
Complainant, )	
vs. )	<u>Case No. EC-98-573</u>
St. Joseph Light & Power Company, )	
Respondent. )	

**ORDER ADOPTING PROCEDURAL SCHEDULE**

On February 11, 1999, the Staff of the Public Service Commission (Staff) filed a Motion to Establish Procedural Schedule. On the same date, the Office of the Public Counsel (Public Counsel) also filed a proposed procedural schedule. The procedural schedules proposed by Staff and Public Counsel are identical in all respects except one. Staff would require a single hearing memorandum and reconciliation to be filed on June 24. Public Counsel proposes to require the filing of an Initial Hearing Memorandum and Reconciliation on June 3, followed by a Final Hearing Memorandum and Reconciliation on June 24.

Public Counsel suggests that use of the initial hearing memorandum would allow the parties to focus rebuttal and surrebuttal testimony only on contested issues. St. Joseph Light & Power filed a response on February 16, indicating that it supports Public Counsel's proposal. AG Processing, Inc., Wire Rope Corporation of America, Inc., and Friskies PetCare, Inc., (Industrial Intervenors) filed a response on February 17, indicating that they also supported Public Counsel's proposal. The Industrial Intervenors also suggested additional changes in the hearing memorandum process currently utilized by the Commission. Staff filed a response to Public Counsel's proposal on February 22, indicating that that as the party responsible for putting together the hearing memorandum, it did not wish to take on the added burden of creating a second hearing memorandum.

The Commission has reviewed the proposed procedural schedules submitted by Staff and by Public Counsel and concludes that, as Staff is the party that is actually required to put together the hearing memorandum, Staff's opposition to Public Counsel's proposal is persuasive. The procedural schedule proposed by Staff will be adopted.

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 in compliance with the requirements of 4 CSR 240-2.130, including the filing of testimony 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 in the proceedings caused by allegations of unfair surprise at the hearing.

B. 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. The party that considers information to be proprietary or highly confidential must request a protective order and indicate the material's proper classification at the time of filing. Any testimony or schedule filed without a protective order first being established, or its classification clearly indicated, shall be considered public information.

C. The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing and the order in which they shall be called, an appendix containing definitions of technical terms, each party's position on the disputed issues, and the order of cross-examination. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. Staff will be responsible for preparing and filing the hearing memorandum.

D. The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the date set. Each party is required to provide Staff with its position on each unresolved

issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present its signature element (a signed page), shall provide written authorization to permit the General Counsel to sign for that particular party, or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant as to the party whose signature is missing and any party who fails or refuses to sign the final copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

E. Any party wishing to offer a prefiled exhibit into evidence must bring to the hearing three copies of the exhibit for the court reporter. If the exhibit has not been prefiled, the proponent must also bring six copies for the Commissioners and regulatory law judge, and copies for opposing counsel.

F. The Commission's general policy provides for the filing of the transcript within two weeks after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the regulatory law judge at least five days before the hearing.

G. The briefs to be submitted by the parties shall follow the format established in the hearing memorandum. Initial briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission. All

pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is adopted for this consolidated proceeding, subject to the conditions discussed above:

<u>Date</u>	<u>Event</u>
May 13, 1999, 3:00 p.m.	Staff, Public Counsel, and Intervenors Direct Testimony (Revenue Requirement)
May 20, 1999, 3:00 p.m.	Staff, Public Counsel, and Intervenors Direct Testimony (Cost of Service and Rate Design)
May 24-28, 1999, 10:00 a.m. start on first day	Prehearing Conference
June 10, 1999, 3:00 p.m.	Rebuttal Testimony by all parties
June 22, 1999, 3:00 p.m.	Surrebuttal Testimony by all parties
June 24, 1999	Hearing Memorandum and Reconciliation
July 6-16, 1999, 10:00 a.m. start on first day	Hearing

2. That the procedural schedule previously established for Case No. EC-98-573 is canceled.

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 March 15, 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 5th day of March, 1999.

RECEIVED

MAR 05 1999

COMMISSION OF APPEALS  
PUBLIC SERVICE COMMISSION