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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Gary L. Smith d/b/a Incline Village)
Water & Sewer Co. for Authority to)
Borrow an Amount not to Exceed)
\$155,000 in a Private Placement, and)
in Connection therewith to Execute a)
Promissory Note, Deed of Trust and)
any Required Security Agreements and)
Financing Statements.)

Case No. WF-97-271

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On January 14, 1997, Gary L. Smith, d/b/a Incline Water & Sewer Co. (Applicant), filed an Application for Approval of Financing. On December 23 the Commission issued a notice requiring the parties to file a stipulation and agreement or proposed procedural schedule by January 21, 1998. On January 21 the Staff of the Commission (Staff) filed a motion proposing the following schedule:

Applicant's direct testimony	March 2, 1998
Rebuttal testimony of all parties	April 17, 1998
Surrebuttal and cross-surrebuttal of all parties	May 19, 1998
Prehearing Conference	May 26, 1998
Hearing Memorandum	June 2, 1998
Hearings	June 9, 1998

Staff states that all parties are amenable to this schedule. Although the dates for filing direct and rebuttal testimony have passed, the Commission notes that the parties have complied with those dates.

The Commission has reviewed the proposed schedule and determines that the dates proposed by Staff are appropriate for this case and determines that the following conditions should be applied to the schedule:

(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) Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The Commission will schedule a prehearing conference in this case to allow the parties the opportunity to resolve procedural and substantive issues.

(D) 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.

(E) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission 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 their signature element (a signed page) 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.

(F) 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.

(G) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same 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.

(H) All parties are required to bring an adequate number of copies of exhibits which 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 opposing counsel.

IT IS THEREFORE ORDERED:

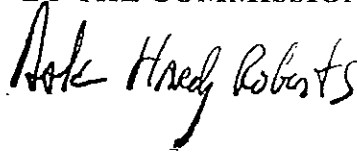
1. That the following procedural schedule is established for this case:

Applicant's direct testimony	March 2, 1998
All parties' rebuttal testimony	April 17, 1998
All parties' surrebuttal and cross-surrebuttal testimony	May 19, 1998 3:00 p.m.
Prehearing Conference	May 26, 1998 10:00 a.m.
Hearing Memorandum	June 2, 1998
Hearings	June 9, 1998 9:00 a.m.

The prehearing conference and hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

2. That this order shall become effective on June 1, 1998.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", written in a cursive style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lewis Mills, Deputy Chief 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 22nd day of May, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION