

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 8, 2001**

CASE NO: WC-2002-146

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102


David Abernathy, Esq.
St. Louis County Water Co
D/B/A Missouri-American Water Co
535 North Ballas Rd.
St. Louis, MO 63141

Brent C. Cantor/Robert Grant
St. Louis County, MO
41 South Central
Clayton, MO 63105

Richard T. Ciottone
St. Louis County Water Co
949 E. Essex
St. Louis, MO 63122

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,


Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

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

| | | |
|--|---|------------------------------------|
| Staff of the Missouri Public Service Commission, |) | |
| |) | |
| |) | |
| |) | |
| v. |) | <u>Case No. WC-2002-146</u> |
| |) | |
| St. Louis County Water Company, doing business |) | |
| As Missouri-American Water Company, |) | |
| |) | |
| |) | |
| Respondent. |) | |

ORDER ADOPTING PROCEDURAL SCHEDULE

On October 25, 2001, the Commission issued its order setting a prehearing conference and requiring the filing of a proposed procedural schedule. The prehearing conference was held on November 2, 2001, and the parties filed their joint Proposed Procedural Schedule on November 7, 2001.

The Commission has reviewed the proposed schedule and, in view of the unanimous agreement of the parties, finds the dates appropriate for this case. Therefore, the Commission adopts the proposed schedule and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefilings 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 prefilings of 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) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall establish the order of cross-examination and file a joint pleading indicating the same.

(D) Each party shall file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one. The position statement shall be filed in both paper form and electronically, either on computer disk or by e-mail. Electronically-submitted documents shall be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: ktomp099@mail.state.mo.us.

(E) 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.

(F) 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 list of issues as filed in the case. The *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.

(G) 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 all counsel.

(H) Each party shall file proposed findings of fact and conclusions of law. Staff, having the burden of proof as the complainant, shall file proposed findings of fact and conclusions of law simultaneously with its Direct Testimony. All other parties, including Respondent, shall file proposed findings of fact and conclusions of law simultaneously with its initial brief. Proposed findings of fact and conclusions of law shall be filed in both paper form and electronically, either on computer disk or by e-mail. Electronically-submitted documents shall be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: ktomp099@mail.state.mo.us.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted:

| | |
|--|-------------------------------|
| Direct Testimony Staff | January 2, 2002 4:00 p.m. |
| Proposed Findings of Fact and Conclusions of Law Staff | January 2, 2002 4:00 p.m. |
| Rebuttal Testimony Company, Public Counsel, Intervenors | January 18, 2002 4:00 p.m. |
| Joint Issues List | January 25, 2002 4:00 p.m. |

| | |
|---|-----------------------------------|
| Surrebuttal Testimony Staff | February 1, 2002 4:00 p.m. |
| Cross-surrebuttal Testimony Company, Public Counsel, Intervenors | February 1, 2002 4:00 p.m. |
| Position Statements, Witness Lists, Order of Cross-examination | February 8, 2002 4:00 p.m. |
| Evidentiary Hearing | February 21-22, 2002 9:00 a.m. |
| Initial Briefs All Parties | March 22, 2001 4:00 p.m. |
| Proposed Findings of Fact and Conclusions of Law All Parties except Staff | March 22, 2002 4:00 p.m. |
| Reply Briefs All Parties | April 5, 2002 4:00 p.m. |

The evidentiary hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, Room 310. The Governor Office Building is a facility that meets the accessibility requirements of the Americans with Disabilities Act. Any person who needs additional accommodations to participate in the evidentiary hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing conference.

2. That this order shall become effective on November 18, 2001.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to Section 386.240,
RSMo 2000.

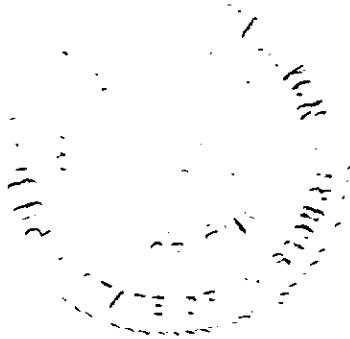
Dated at Jefferson City, Missouri,
on this 8th day of November, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 8th day of Nov. 2001.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge