

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 25, 2002**

CASE NO: WC-2002-155

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

General Counsel
Missouri Public Service Commission
P.O. Box 360
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Gary L. Smith
Warren County Water & Sewer Company
P.O. Box 150
Foristell, MO 63348

Paul S. DeFord
2345 Grand Blvd.
Suite 2800
Kansas City, Mo 64108

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

Sincerely,

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**

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

Office of the Public Counsel,

Complainant,

v.

Warren County Water and Sewer
Company and Gary L. Smith,

Respondents.

Case No. WC-2002-155

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On January 14, 2002, the parties jointly filed a proposed procedural schedule. It appears reasonable, and the Commission will adopt it with the addition of a second prehearing conference. The Commission will require the Office of the Public Counsel to file proposed findings of fact and conclusions of law simultaneously with its supplemental direct testimony, and will require Respondents to file proposed findings of fact and conclusions of law simultaneously with their rebuttal testimony. The Commission will require that all filings be e-mailed to the presiding officer (lmills@mail.state.mo.us) as soon as possible after they are filed. The following conditions will apply to the procedural 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 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) Pursuant to 4 CSR 240-2.130(15), 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. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not contain argument about why the party believes its position to be the correct one.

(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. Briefs shall follow the same list of issues as filed in the case and shall 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.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established:

Supplemental direct testimony, findings of fact, and conclusions of law	February 13, 2002
Rebuttal testimony, findings of fact, and conclusions of law	March 27, 2002
Prehearing conference	March 29, 2002 10:00 A.M.
Surrebuttal testimony	April 24, 2002
List of issues, order of witnesses, and order of cross-examination	May 7, 2002
Statements of position	May 15, 2002
Evidentiary hearing	June 3-6, 2002 8:30 A.M.

The hearing and prehearing conference will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards required by the Americans with Disabilities Act. Any person who needs specific accessibility accommodations may call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

2. That the Office of the Public Counsel shall file proposed findings of fact and conclusions of law simultaneously with its supplemental direct testimony.

3. That Respondents shall file proposed findings of fact and conclusions of law simultaneously with their rebuttal testimony.

4. That all filings shall be e-mailed to the presiding officer as soon as possible after they are filed.

5. That this order shall become effective on January 25, 2002.

BY THE COMMISSION



**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 Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of January, 2002.

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 25th day of Jan. 2002 .

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

