

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

In the Matter of the Joint Application)
of the City of Fulton and Callaway Electric)
Cooperative Changing Electric Provider from)
Callaway Electric Cooperative to the City of) Case No. EO-99-402
Fulton and Changing Electric Provider from)
the City of Fulton to the Callaway Electric)
Cooperative.)

ORDER ADOPTING PROCEDURAL SCHEDULE

On July 28, 1999, a prehearing conference was held in this matter. At that time, the parties verbally proposed a procedural schedule. The Commission has reviewed the proposed schedule and 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 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) 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.

(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.

(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, 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 should be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: ktomp099@mail.state.mo.us. The parties may revise or amend the issues set out in the issues list as necessary in their position statement. Any issue not included in either the issues list or a position statement will be presumed to not require determination by the Commission.

(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 lists 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. Each principal brief shall not exceed 30 pages in length; reply briefs shall not exceed 15 pages in length. The presiding officer will establish a briefing schedule at the close of the hearing.

(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 adopted for this case:

List of Issues	August 13, 1999 3:00 PM
Applicants' direct testimony	August 27, 1999 3:00 PM
Rebuttal testimony Staff, OPC, Intervenors	September 17, 1999 3:00 PM
Surrebuttal testimony All parties	September 24, 1999 3:00 PM
Position Statements of each party on all issues	September 28, 1999 3:00 PM
List and order of witnesses	September 28, 1999 3:00 PM
Evidentiary Hearing	October 5, 1999 9:00 AM

The 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. The parties need not file a proposed procedural schedule on or before August 4, 1999, as previously ordered herein.

3. That this order shall become effective on July 29, 1999.

BY THE COMMISSION



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 4 CSR 240-2.120(1), (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 29th day of July, 1999.

RECEIVED

JUL 29 1999

**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**