

23

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

Foremost Insurance Company,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	<u>Case No. MC-99-613</u>
Director of the Division of Manufactured	)	
Homes, Recreational Vehicles and Modular	)	
Units of the Public Service Commission,	)	
	)	
Respondent.	)	

**ORDER ESTABLISHING PREHEARING CONFERENCE**

On June 20, 2000, Foremost Insurance Company (Foremost) filed with the Missouri Public Service Commission (Commission) a motion for a prehearing conference.

The motion stated that the parties, pursuant to the applicable regulations, have been involved in extensive good-faith efforts to mediate the outstanding disputes. Foremost also stated that, although the mediation had resolved some of the matters in the initial complaint and narrowed some of the factual matters, a final settlement of all disputes had not been completed. Foremost further stated that discussions were going on to resolve the outstanding disputes. However, Foremost stated, it appeared that not all disputes would be disposed of and that a hearing would be necessary on some of the issues in the initial complaint. Foremost thus requested that a prehearing conference

be scheduled in order to set the matter for hearing, to establish a procedural schedule, to narrow the issues, and to propose a joint prehearing stipulation.

Commission rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested." Foremost's motion did not comply with Commission rule 4 CSR 240-2.080(3) in that it did not include a specific reference to the statutory provision or other authority under which relief is requested. The rule which Foremost should have cited is Commission rule 4 CSR 240-2.090(4) which states that "[a]ny party may petition the commission to hold a prehearing conference at any time prior to the hearing." Foremost is admonished to follow the Commission's rules in the future.

The Staff of the Commission did not respond to Foremost's motion.

The Commission notes that its intervention by the means of a prehearing conference is not necessary for the parties to "...narrow [the] issues...and to propose a joint prehearing stipulation" as requested in Foremost's motion. The parties may at any time agree to narrow the issues and propose a joint prehearing stipulation; in fact, the Commission advocates such actions.

The Commission will establish a prehearing conference.

**IT IS THEREFORE ORDERED:**

1. That a prehearing conference will be held on August 7, 2000, beginning at 10:00 a.m. The prehearing conference will be held at the offices of the Public Service Commission in Jefferson City, Missouri.

This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please 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 this order shall become effective on July 21, 2000.

**BY THE COMMISSION**



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

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 11th day of July, 2000.