

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Petition for an Interim Receiver)
and for an Order Directing the General Counsel to)
Petition the Circuit Court for the Appointment of a)
Receiver for Mill Creek Sewers, Inc.)

File No. SO-2010-0237

ORDER ALLOWING TESTIMONY BY TELEPHONE

Issue Date: February 23, 2010

Effective Date: February 23, 2010

The Missouri Public Service Commission is granting the Motion to Allow Appearance by Telephone (“motion”) that the Commission’s staff (“Staff”) filed on February 23, 2010.

In the motion, Staff asks the Commission to allow testimony by telephone from Jason Williamson. Mr. Williamson is Staff’s candidate for interim receiver. Staff argues that Mr. Williamson’s testimony in person would constitute an undue hardship. In support, Staff states that Mr. Williamson will be in Denver, Colorado, at the time of the hearing; that his testimony does not relate to the elements of establishing an interim receivership; and that his testimony will relate only to his qualifications as interim receiver. Upon such representations, the Commission will grant the motion.

In the motion, Staff also suggests that telephone testimony may be appropriate for other witnesses. The Commission will consider similar accommodation for other witnesses upon timely motion. To leave that option open, the Commission will set forth a telephone number for anyone appearing by telephone.¹

¹ Nevertheless, parties should be mindful that any one of them may invoke the Commission’s authority to exclude a witness from the hearing room “so that [the excluded witness] will not be privy to testimony provided by other witnesses.” **State v. Jones**, 134 S.W.3d 706, 715 (Mo. App., S.D. 2004).

THE COMMISSION ORDERS THAT:

1. The Motion to Allow Appearance by Telephone is granted and Jason Williamson may testify by telephone.
2. Any person testifying by telephone shall call the following number at the time and on the date that the hearing commences:
 - a. for persons in Jefferson City, Missouri: 526-5398.
 - b. for persons outside Jefferson City, Missouri: 866-630-9345.
3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Jordan, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of February 2010.