

B-
96
20
SW

7/13

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

In the Matter of the Application of)	
George Hoesch for a Certificate of)	
Convenience and Necessity)	
Authorizing Him to Construct,)	
Install, Own, Operate and Maintain)	<u>Case No. SA-97-357</u>
a Sewer System for the Public,)	
Located in an Unincorporated Area)	
of the County of Gasconade,)	
Missouri.)	

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On July 2, 1998, the Staff of the Commission proposed the following procedural schedule:

Technical conference	September 14, 1998
Applicant's direct testimony	October 26, 1998
Rebuttal testimony of Staff, Public Counsel and Intervenor	November 16, 1998
Settlement conference	November 19, 1998
Surrebuttal testimony of all parties	November 30, 1998
Evidentiary hearing	December 10, 1998

Staff states that this schedule is agreed upon by all parties.

The Commission has reviewed the proposed schedule and determines that it is appropriate for this case, except that the Commission will require the filing of a hearing memorandum, as it does in all cases in which a hearing is scheduled. 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 file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing and the order in which they shall be called, an appendix containing definitions of technical terms, each party's position on the disputed issues, and the order of cross-examination. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. Staff will be responsible for preparing and filing the hearing memorandum.

(C) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the date set. Each party is required to provide Staff with its position on each unresolved issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present their signature element (a signed page), shall provide written authorization to permit the General Counsel to sign for that particular party, or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant as to the party whose signature is missing and any party who fails or refuses to sign the final

copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

(D) 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.

(E) 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 format established in the hearing memorandum. Initial 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.

(F) 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 opposing counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established for this case:

Technical conference

September 14, 1998

Applicant's direct testimony

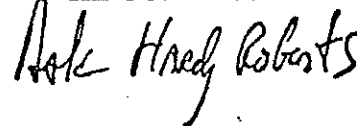
October 26, 1998
3:00 P.M.

Rebuttal testimony of Staff Public Counsel, and Intervenors	November 16, 1998 3:00 P.M.
Prehearing/Settlement conference	November 19, 1998 9:00 A.M.
Surrebuttal testimony of all parties	November 30, 1998 3:00 P.M.
Hearing memorandum	December 7, 1998
Evidentiary hearing	December 10, 1998 9:00 A.M.

The prehearing conference and 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. That this order shall become effective on July 23, 1998.

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

Dated at Jefferson City, Missouri,
on this 13th day of July, 1998.