

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

**In the Matter of the Joint Application)
of Stoddard County Sewer Company,)
Inc., R.D. Sewer Co., L.L.C. and the)
Staff of the Missouri Public Service)
Commission for an Order Authorizing)
Stoddard County Sewer Co., Inc. to)
Transfer its Assets to R.D. Sewer Co.,)
L.L.C., and for an Interim Rate)
Increase.)**

Case No. SO-2008-0289

**PROPOSED LIST OF ISSUES,
LIST OF WITNESSES, ORDER OF WITNESSES,
ORDER OF CROSS-EXAMINATION,
AND ORDER OF OPENING STATEMENTS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and submits the following Proposed List of Issues, List of Witnesses, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements for the evidentiary hearing to be held in this case August 13-14, 2008.

On April 25, 2008, the Commission issued its Order Adopting Procedural Schedule, in which it ordered the parties to agree upon, and the Staff to file, a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which the witnesses will be called, the order of cross-examination for each witness, and the order of opening statements, by June 24, 2008. The Commission amended this Order in subsequent orders that it issued on June 5, 2008, June 9, 2008, and July 10, 2008. The said pleading is now due on July 31, 2008.

Stoddard County Sewer Company, Inc. (“Stoddard County”), R.D. Sewer Co., L.L.C., the Staff, and the Office of the Public Counsel (“OPC”), being all of the parties herein, have

conferred and, after agreement of the parties, the Staff submits this pleading in compliance with the above-mentioned Order Adopting Procedural Schedule, as modified.

I. LIST OF ISSUES

The parties have unanimously agreed that the following issues need to be resolved in order for the Commission to make its decision in this case.

- A.** Is the proposed transfer of assets detrimental to the public?
- B.** Did Stoddard County or any other entity, at any time since Stoddard County acquired the real and personal assets described in Paragraphs 42 and 43 of the Application in this case, secure from the Commission an order authorizing it to sell, assign, lease, transfer, mortgage, or otherwise dispose of or encumber any of the assets that are described in Paragraphs 42 and 43 of the Application in this case?
- C.** Are any and all purported transfers of any security interest in the assets described in Paragraphs 42 and 43 of the Application in this case therefore void?
- D.** Should the Commission approve an interim rate increase for the customers who are now served by Stoddard County?
- E.** If the Commission determines that a rate increase for the customers who are now served by Stoddard County should be approved, how much should the rate increase be?
- F.** If the Commission determines that a rate increase for the customers who are now served by Stoddard County should be approved, should the Commission make the increased revenues subject to refund?

II. ORDER OF WITNESSES

Set forth below is the anticipated order of appearance of witnesses, along with an estimate as to the day and time each will testify. The parties desire to expedite the hearing and

therefore agree to make all of the witnesses available to testify immediately following the conclusion of the testimony by the preceding witness.

- A.** Rodger Owens, witness for Stoddard County and R.D. Sewer Co. (collectively, “Applicants”) – Wednesday morning.
- B.** Staff witness James A. Merciel, Jr., P.E. – Wednesday morning.
- C.** Staff witness Steve Rackers – Wednesday morning.
- D.** OPC witness Ted Robertson – Wednesday afternoon.

The parties note that, in addition to the above experts, the Commission has retained The Bonadio Group to provide a neutral, objective accounting analysis of Stoddard County’s financial condition and the proposed interim rate increase, and that the Commission has also retained Smith & Co., Inc. to provide an engineering assessment of the physical and operational condition of Stoddard County’s sewer facilities, including the maximum capacity of the existing sewage treatment plant. The parties have been informed that Randy Shepard, of The Bonadio Group, and Rodger G. Williams, II, of Smith & Co. Engineers will be prepared to testify at the evidentiary hearing in this matter. The parties have also been informed that Mr. Shepard and Mr. Williams may be called at any time, at the convenience of the Commission, and may testify by telephone. The parties request that the Commission notify them when these witnesses will be called to testify.

The Applicants, the Staff and the OPC also note that they intend to prepare and file a stipulation of undisputed facts, so as to limit the amount of time that is required for the hearing in this case.

III. ORDER OF CROSS-EXAMINATION

The order of cross-examination shall be as follows:

- A.** Rodger Owens, witness for Applicants.
 - 1. Staff
 - 2. OPC

- B.** Staff witnesses James A. Merciel, Jr., P.E. and Steve Rackers.
 - 1. Stoddard County and R.D. Sewer Co.
 - 2. OPC

- C.** Commission witnesses Randy Shepard and Rodger G. Williams, II.
 - 1. Stoddard County and R.D. Sewer Co.
 - 2. Staff
 - 3. OPC

- D.** OPC witness Ted Robertson.
 - 1. Staff
 - 2. Stoddard County and R.D. Sewer Co.

IV. ORDER OF OPENING STATEMENTS

The order of opening statements shall be as follows:

- A.** Applicants Stoddard County and R.D. Sewer Co.

- B.** Staff.

- C.** OPC.

WHEREFORE, based on the foregoing, the Staff submits this Proposed List of Issues, List of Witnesses, Order of Witnesses, Order of Cross-Examination and Order of Opening Statements to the Commission for its consideration.

Respectfully submitted,

/s/ Keith R. Krueger

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 31st day of July, 2008.

/s/ Keith R. Krueger