

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Timber Creek Sewer Company for a) File No. SA-2010-0063
Certificate of Convenience and Necessity)

NOTICE OF PRE-HEARING CONFERENCE AND ORDER DIRECTING FILING

Issue Date: November 3, 2009

Effective Date: November 3, 2009

The Missouri Public Service Commission is ordering responses to the recommendation of the Commission's staff ("Staff"), and granting the motion for a pre-hearing conference.

a. Background

On August 21, 2009, Timber Creek Sewer Company ("Timber Creek") filed the application. The application seeks the Commission's permission and approval for sewer facility construction¹ and service.² On October 1, 2009, Staff filed a motion seeking an extension of time to file its recommendation or, in the alternative, a pre-hearing conference. On October 5, 2009, the Commission granted the motion to intervene of Platte County Sewer District ("the District"). In that same order, the Commission granted Staff's extension of time. The Commission reserved ruling on a pre-hearing conference. On October 30, 2009, Staff filed its recommendation and renewed its motion for a pre-hearing conference.

b. Pre-Hearing Conference

The Commission's regulation provides:

(4) Any party may petition the commission to hold a prehearing conference at any time prior to the hearing [,³]

¹ Section 393.170.1, RSMo 2000.

² Section 393.170.2, RSMo 2000, first sentence.

³ 4 CSR 240-2.090. No hearing is scheduled and most actions include no hearing; nevertheless, "prehearing" is the language of the regulation.

and:

(3) All prehearing conferences shall be held as directed by the . . . presiding officer, and reasonable notice of the prehearing conference time shall be given to the parties involved.^[4]

A pre-hearing conference's purpose and function is as follows:

(6) Parties may consider procedural and substantive matters at the prehearing conference which may aid in the disposition of the issues. Matters which require a decision may be presented to the presiding officer during the conference.

(7) Facts disclosed in the course of a prehearing conference and settlement offers are privileged and, except by agreement, shall not be used against participating parties unless fully substantiated by other evidence.^[5]

Parties shall participate as set forth below.

At the prehearing conference, the parties shall be prepared to discuss pending motions, the status of discovery, the number and nature of witnesses and exhibits the parties intend to present at hearing, and the possibilities for settlement. The Commission encourages the parties to continue their attempts to resolve disputed matters among themselves and offers mediation services for that purpose.

c. Response to Recommendation

The Commission will also require all parties other than Staff to file a response to Staff's recommendation.

THE COMMISSION ORDERS THAT:

1. No later than November 12, 2009, all parties other than Staff to file a response to Staff's recommendation.

⁴ *Id.*

⁵ 4 CSR 240-2.090.

2. On November 13, 2009, the regulatory law judge assigned to this case ("RLJ") will convene a pre-hearing conference at 9:00 a.m., at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in Room 310.

3. To participate in the pre-hearing conference, any party shall, personally or through counsel, appear at the time and place set forth in ordered paragraph 1:

- a. In person; or
 - b. By telephone as set forth in ordered paragraph 3.
4. Any party appearing by telephone shall call:
- a. (573) 526-5712 for persons in Jefferson City, Missouri; or
 - b. (866) 630-9350 for persons outside Jefferson City, Missouri.

5. The conference room is in a building that meets accessibility standards required by the Americans with Disabilities Act. Anyone who needs additional accommodations to participate in the hearing shall contact the Commission. To contact the Commission for such additional accommodations, such party shall call the Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the conference.

6. This order shall become effective immediately upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

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

Dated at Jefferson City, Missouri,
on this 3rd day of November 2009.