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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Missouri Public)	
Service's Tariff Revisions to be)	
Reviewed in its 1995-1996 Actual)	<u>Case No. GR-96-192</u>
Cost Adjustment.)	

ORDER ESTABLISHING PROCEDURAL SCHEDULE AND PROVIDING NOTICE

On September 12, 1997, the Staff of the Missouri Public Service Commission (Staff) and UtiliCorp United Inc. d/b/a Missouri Public Service (MPS) filed independent Motions To Establish Procedural Schedule. The procedural dates are identical. The only difference of opinion is whether there should be simultaneous direct, rebuttal, and surrebuttal testimony or MPS should file direct, Staff file rebuttal, and MPS file surrebuttal. Staff proposes simultaneous testimony and MPS proposes that MPS file direct, Staff file rebuttal, and MPS file surrebuttal. The Commission determines that Staff's proposal is reasonable and will adopt it for this proceeding.

The Commission determines that the following conditions should be applied to the schedule:

(1) The Commission will require the prefiling of testimony as defined in 4 CSR 240-130. 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. The Commission expects the parties to comply with the requirement of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

(2) Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered information open to the public.

(3) The Commission will schedule a prehearing conference in this case to allow the parties the opportunity to resolve procedural and substantive issues.

(4) The parties shall file a hearing memorandum setting out the issues to be considered and the order of the witnesses who will appear on each day of the hearing, definitions of terms, each party's position on the 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. 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.

(5) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. The 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 the date set. Each party is directed to provide Staff with its position on each unresolved issue no later than March 9, 1998.

(6) Nothing in this order shall preclude a party from addressing, or having a reasonable opportunity to address, matters not previously disclosed and arising at the hearing.

(7) 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 administrative law judge at least five days prior to the date of the hearing. The administrative law judge will determine whether the request should be granted.

(8) The Commission believes it is appropriate to limit the length of initial briefs to 30 pages and reply briefs to 15 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

(9) 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 administrative law judge, and opposing counsel.

The Commission will direct the Records Department of the Commission to serve a copy of this order upon the mayor of each city and the county commission of each county in the MPS service area. In addition, the Information Officer shall send notice of this order to the publisher of each newspaper located in the counties in which MPS provides service, as listed in the newspaper directory of the current *Official Manual of the*

State of Missouri, and to the members of the General Assembly representing the Missouri area served by MPS.

Any city, county or other proper entity desiring to intervene in this proceeding shall file its application to intervene on or before the date set in this order as provided by 4 CSR 240-2.075 and shall serve a copy of the application on the Company's attorneys, James C. Swearngen and Dean L. Cooper, Attorneys at Law, Brydon, Swearngen & England, P.C., 312 East Capitol Avenue, P.O. Box 456, Jefferson City, Missouri 65102.

IT IS THEREFORE ORDERED:

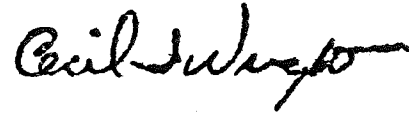
1. That the following procedural schedule is adopted for this case:

Simultaneous Direct Testimony to be Filed by all Parties	November 20, 1997 3:00 p.m.
Simultaneous Rebuttal Testimony to be Filed by all Parties	January 7, 1998 3:00 a.m.
Simultaneous Surrebuttal Testimony to be Filed by all Parties	February 18, 1998 3:00 p.m.
Prehearing Conference	March 3, 1998 10:00 a.m.
Hearing Memorandum	March 11, 1998
Evidentiary Hearing	March 24-27, 1998 10:00 a.m.

The prehearing conference and hearing will be held in the Commission's hearing room 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 September 25, 1997.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

Cecil I. Wright
Executive Secretary

(S E A L)

Thomas H. Luckenbill, Deputy Chief
Administrative 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 25th day of September, 1997.