

involvement in litigation. The Public Counsel disagreed with the logic that individual members of the public should be denied their opportunity to voice their personal concerns to the Commission because the Lot Owners represent the interest of those same individuals in the aggregate.

As to the objection of supplemental testimony, the Lot Owners differentiate a local public hearing from an evidentiary hearing in that the local public hearing is for the Commission to assess the sentiment of the public and customers of the utility company, while the purpose of an evidentiary hearing is to permit the parties to present evidence. Public Counsel agrees with this distinction, calling it “a clear and obvious difference” between pre-filed evidentiary hearing testimonies supplied by expert witnesses and subject to reply and surrebuttal testimony by parties, and the statements of lay-members of the public speaking directly to the Commission during a local public hearing.

The Commission finds the request for a local public hearing to be reasonable and will grant it. The parties should note that witnesses will be sworn-in, a court reporter will be present, and testimony may be questioned (cross-examination) by the bench or other parties to the case. The Commission may make provisions for parties to respond to testimony or other offers of evidence made at the local public hearing.

The Commission may delegate any adjudicative authority to the regulatory law judge assigned to this action under Section 386.240 RSMo, 2016. The Commission will delegate its authority to the regulatory law judge to set the time, place, location, and other details of the local public hearing.

THE COMMISSION ORDERS THAT:

1. All parties shall submit their availability for a local public hearing by 1:00 p.m., August 30, 2019. The stated availability shall cover the first two weeks of September 2019.
2. The Commission delegates its authority to set the time, place, location, and other details of the local public hearing to the regulatory law judge.
3. This order shall be effective when issued.

BY THE COMMISSION



Morris L Woodruff

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and
Coleman, CC., concur.

Hatcher, Regulatory Law Judge