

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

Office of the Public Counsel,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. WC-2002-155
	)	
Warren County Water and Sewer	)	
Company and Gary L. Smith,	)	
	)	
Respondents.	)	

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

COME NOW the Staff of the Missouri Public Service Commission, on its own behalf and on behalf of the Office of the Public Counsel, Warren County Water and Sewer Company, and Gary L. Smith, being all of the parties to these consolidated cases, and submits to the Missouri Public Service Commission the following Proposed List of Issues, Order of Witnesses and Order of Cross-Examination, for the evidentiary hearing to be held in this case June 3-6, 2002.

1. On September 26, 2001, the Office of the Public Counsel filed two complaints against Warren County Water and Sewer Company and Gary L. Smith, one concerning the Company's water operations (Case No. WC-2002-155) and one concerning the Company's sewer operations (Case No. SC-2002-160). On December 21, 2001, the Commission issued an order consolidating Case No. WC-2002-155 and Case No. SC-2002-160, with Case No. WC-2002-155 being the lead case.

2. On January 25, 2002, the Commission issued its Order Establishing 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, and the order in which they shall be called, and the order of cross-examination for each witness.

3. The parties have conferred and have unanimously agreed upon the following list of contested issues, and have unanimously agreed upon the following order of witnesses and order of cross-examination.

## **I. LIST OF CONTESTED ISSUES**

The parties have agreed upon the following list of contested issues.

**1. Water Service.** Has Warren County Water and Sewer Company failed to provide safe and adequate water service to its customers?

**2. Sewer Service.** Has Warren County Water and Sewer Company failed to provide safe and adequate sewer service to its customers?

**3. Management of the Company.** Has the management of Warren County Water and Sewer Company failed to operate the company in a reasonable and prudent manner, such as by keeping accurate books and records and preventing commingling of regulated and unregulated business matters?

**4. Appointment of a Receiver.** Should the Commission seek the appointment of a receiver for the Company, pursuant to Section 393.145 RSMo (2000)?

**5. Liquidation of the Assets of the Company.** If the Commission seeks appointment of a receiver, should the Commission also seek a determination, pursuant to Sec. 393.145.5 RSMo, that “control and responsibility for the utility should not, in the best interests of its customers, be returned to the owners,” and an order from the circuit court directing “the receiver [to] proceed to liquidate the assets of the utility in the manner provided by law”?

## **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 they will be testifying. However, 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. OPC Witnesses**

Vic E. Muschler (Monday morning)  
Barbara A. Meisenheimer (Monday afternoon)  
Kimberly K. Bolin (Monday afternoon)  
Daniel Daugherty (Tuesday morning)  
Paul E. Mueller (Tuesday afternoon)

### **B. Staff Witnesses**

James A. Merciel, Jr. (Tuesday afternoon)  
Steve G. Loethen (Wednesday morning)  
Dana E. Eaves (Wednesday morning)

### **C. Company Witness**

Gary L. Smith (Thursday morning)

## **III. ORDER OF CROSS-EXAMINATION**

The order of cross-examination shall be as follows:

### **A. OPC Witnesses**

1. Staff
2. Company

### **B. Staff Witnesses**

1. OPC
2. Company

### **C. Company Witness**

1. Staff
2. OPC

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ Keith R. Krueger**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record this 7th day of May 2002.

**/s/ Keith R. Krueger**

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