

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

In the Matter of the Application of Confluence Rivers)	
Utility Operating Company, Inc. to Acquire Certain)	
Water and Sewer Assets, For a Certificate of)	<u>File No. WM-2018-0116</u>
Convenience and Necessity, and, in Connection)	<u>File No. SM-2018-0117</u>
Therewith, To Issue Indebtedness and Encumber)	
Assets)	

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: October 17, 2018

Effective Date: October 17, 2018

On October 4, 2018, Staff of the Missouri Public Service Commission ("Staff"), on behalf of itself, Confluence Rivers Utility Operating Company, Inc. (the "Company"), the Office of Public Counsel ("OPC), and Lake Perry Lot Owners Association filed a Status Report and asked the Commission to issue an order requiring the parties to file a proposed local public hearing schedule and a proposed procedural schedule no later than October 15, 2018. On October 4, 2018, the Commission did so. On October 15, 2018, Staff, on behalf of itself and the named parties, filed a Joint Proposed Procedural Schedule.¹

The Commission will adopt the following procedural schedule and requirements:

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:
 - October 29, 2018 at 10:00 a.m. – Technical/Settlement Conference
 - November 19, 2019 – Direct Testimony filed

¹ On October 15, 2018, OPC separately filed a proposed local public hearing schedule.

- Data Request Responses and Objections deadlines shall be 14 calendar days and seven calendar days, respectively. If a deadline falls on a weekend or a holiday, the due date will be the next business day thereafter.
- December 18, 2018 – Rebuttal Testimony filed
 - Data Request Responses and Objections deadlines shall be 10 calendar days and five calendar days, respectively. If a deadline falls on a weekend or a holiday, the due date will be the next business day thereafter.
- January 15, 2019 – Surrebuttal Testimony filed
 - Data Request Responses and Objections deadlines shall be seven calendar days and five calendar days, respectively. If a deadline falls on a weekend or a holiday, the due date will be the next business day thereafter.
- January 17, 2019 – List of Issues, Order of Witnesses, Opening Statements and Cross Examination filed.
- January 22, 2019 – Statements of Position filed
- January 22, 2019 – Discovery cutoff
- January 30, 2019; January 31, 2019; and February 1, 2019 – Evidentiary Hearing. (Commencing at 10 a.m. on January 30 and at 9 a.m. on the following days)
- February 15, 2019 – Initial Briefs filed
- February 26, 2019 – Reply Briefs filed

2. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The parties shall comply with the following procedural requirements:
- (A) Testimony shall be pre-filed as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
 - (B) Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
 - (C) Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
 - (D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
 - (E) If testimony or documents are pre-filed and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit at the hearing. If not pre-filed and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document

to provide a copy not only to the court reporter, but also to each Commissioner, the Presiding Officer, and counsel for every other party.

- (F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (G) Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving those documents on counsel of record for all other parties via e-mail. To provide additional security, confidential documents are considered served when filed in EFIS and shall not be served via e-mail.
- (H) With regard to data requests:
 - i. Each party serving a data request shall send an electronic copy of the text of the "description" of that data request to counsel for each party contemporaneously with service of the data request.
 - ii. Data requests issued to or by Staff shall be submitted and responded to in EFIS if feasible. If not feasible, data requests issued to or by Staff shall be submitted and responded to in electronic format on compact disc or by other means agreed to by counsel. Additionally, if the description of a Staff-issued data request contains confidential information or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.
 - iii. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request.
 - iv. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality.
 - v. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

vi. The Company shall post its data request responses on its Caseworks Extranet site; however, the Company shall also submit the responses to Staff-issued data requests in EFIS, if feasible. If not feasible, those responses shall be submitted in electronic format on compact disc or by other means agreed to by Staff counsel.

vii. The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

viii. If a data request has been responded to, a party's request for a copy of the response will be timely responded to without waiting the full response time allowed.

(I) With regard to workpapers:

i. Work papers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers.

ii. Work papers containing confidential information shall be appropriately marked.

iii. If there are no work papers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

iv. With the exception of work papers provided to Staff, the Company may provide work papers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. ATXI shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.

v. Where work papers or data request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, the party providing the workpaper or response shall provide this type of information in the original format, if available, with formulas intact.

(J) Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge as set out above. The lists shall not be filed in the EFIS case file.

Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory Law Judge,
By delegation of authority pursuant
To Section 388.240, RSMo 2016.

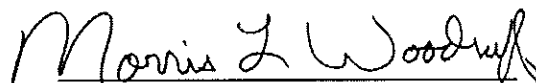
Dated at Jefferson City, Missouri,
On the 17th day of October, 2018

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 17th day of October 2018.


Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 17, 2018

File/Case No. WM-2018-0116 and SM-2018-0117

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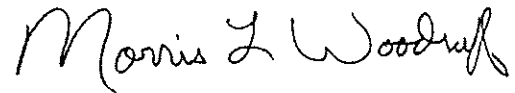
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Smithview H2O Company
Legal Department
802 E. County Line
Clark, MO 65243

Willows Utility Company, The
Legal Department
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Dallas, TX 75214

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.