

ROB LEE,

Complainant,

v.

MISSOURI AMERICAN
WATER COMPANY,

Respondent.

MISSOURI AMERICAN
WATER COMPANY,

Respondent.

Effective Date: June 26, 2009

A. Background

On January 27, 2009, Rob Lee filed his complaint. The complaint seeks the Commission's determination that the facilities of Missouri American Water Company ("MAWC") leak at several places in his neighborhood as evidenced by the appearance of surface water. On June 9 and 10, 2009, ("the first two days") the Commission convened the evidentiary hearing on the complaint at the Commission's offices in Jefferson City. During the first two days, Mr. Lee and MAWC presented their cases in chief, and the Commission's staff ("Staff") presented direct testimony from its witness. Such witness was undergoing cross-examination from Mr. Lee when the Commission adjourned the hearing. On June 25, 2009, the court reporter filed transcripts of the first two days.

B. Uncopied Exhibits

During the first two days, the Commission allowed Mr. Lee to enter certain exhibits (“uncopied exhibits”) into the record without providing a copy to all other parties. The Commission ordered Mr. Lee to serve all parties with any uncopied exhibit. The Commission will set a deadline for that matter.

C. Deferred Exhibits

Also during the first two days, the Commission granted motions of Mr. Lee and MAWC to present certain exhibits out of order (“deferred exhibits”). Any party may offer any deferred exhibit into evidence at the final day of hearing, subject to objection and cross-examination, and must first serve such exhibit on all other parties. As to one deferred exhibit—Mr. Lee’s summary of leak reports and customer complaints under § 536.070(11), RSMo 2000—MAWC asked to make objections in writing. The Commission will set deadlines for those matters.

D. Location

On June 17, 2009, Mr. Lee filed the following statement:

I have decided not to return to Jefferson City to continue the hearing.

The Commission will treat Mr. Lee’s June 17, 2009, statement as a motion to participate in the final day of hearing without a personal appearance in Jefferson City (“motion”). Jefferson City is where Staff’s representative and counsel have their main offices. The main office or residence of every other party, representative, and counsel is in St. Louis County, as is an office of the Commission with video conferencing facilities. The Commission will set a deadline for the parties to file suggestions as to the final day of hearing’s location before ruling on the motion.

E. Scheduling

The Commission will schedule the final day of hearing between July 27 and August 28, 2009. In choosing a date, the Commission will order the parties to file dates on which they cannot appear for the final day of hearing (conflict dates). The Commission will set a deadline for the parties to file such conflict dates.

THE COMMISSION ORDERS THAT:

1. As to any exhibit described in part B of this order, Mr. Lee shall serve a copy on all parties no later than July 10, 2009.

2. As to any exhibit described in part C of this order, any party offering such exhibit into the record:

a. Shall serve such exhibit on all other parties no later than July 10, 2009.

b. May offer such exhibit, subject to objection and cross-examination, into the record at the final day of hearing.

3. As to Mr. Lee's summary of leak reports and consumer complaints, any party shall file any objection no later than July 17, 2009.

4. No later than July 17, 2009, all parties shall file:

a. Conflict dates for July 27 through August 28, 2009.

b. Any suggestions as to the location of, and appearances at, the final day of hearing.

5. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 26th day of June 2009.