

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

In the Matter of the Small Company Rate Increase,     )  
Of Timber Creek Sewer Company                             ) **File No. SR-2010-0320**

## **ORDER ESTABLISHING A PROCEDURAL SCHEDULE**

Issue Date: October 25, 2010

Effective Date: October 25, 2010

On October 18 2010, the parties jointly filed a proposed procedural schedule. The Commission finds some of the proposal to be reasonable, but also finds some modifications are required. The public hearing requested will be scheduled by separate order once a location can be established. The parties also request that the Commission approve other procedural requirements, and the Commission will grant that request.

### **THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

- |   |  |
|---|--|
| <b>Direct Testimony (all parties, non-settled Issues)</b>   | <b>- November 23, 2010</b>                               |
| <b>Rebuttal Testimony (all parties)</b>   | <b>- December 21, 2010</b>                               |
| <b>Surrebuttal Testimony (if necessary)</b>   | <b>- December 28, 2010</b>                               |
| <b>Joint Stipulation of Undisputed Material Facts</b>   | <b>- December 29, 2010</b>                               |
| <b>Reconciliation</b>   | <b>- December 29, 2010</b>                               |
| <b>List of Issues, List of Witnesses, Order Of Witnesses, Order of Parties for Cross-Examination, Order of Opening Statements</b> | <b>- December 29, 2010</b>                               |
| <b>Position Statements</b>  | <b>- December 30, 2010</b>                               |
| <b>Evidentiary Hearing (if necessary)</b>   | <b>- January 5 &amp; 7, 2011, beginning at 8:30 a.m.</b> |

<b>Transcripts (expedited)</b>	<b>- January 10, 2011</b>
<b>Simultaneous Post-Hearing Briefs</b>	<b>- February 4, 2011</b>
<b>Proposed Findings of Fact and Conclusions of Law</b>	<b>- February 4, 2011</b>

2. The parties shall comply with the following additional procedural requirements per their agreement:

(A) The parties will provide copies of testimony (including schedules), exhibits and pleadings to other counsel 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.

(B) For purposes of this case, the Commission waives 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.

(C) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

(D) Data requests shall be served electronically with all counsel and not just transmitted to the party of whom the request is made. Data request responses shall be shared with requesting parties.

(E) Until the November 23, 2010 filing of direct testimony, the response time for all data requests is twenty (20) calendar days, and ten (10) calendar days to object or notify that more than twenty (20) calendar days will be needed to provide the requested information. After November 23, 2010, the response time for data requests becomes ten (10) calendar days to provide the requested information, and five (5) calendar days to object or notify that more than ten (10) calendar days will be needed to provide the requested information.

(F) Workpapers that were prepared in the course of developing a witness' direct or rebuttal testimony should not be filed with the Commission, but without request should be submitted to each party within two (2) business days following the filing of the particular testimony. Workpapers prepared in the course of developing a witness' surrebuttal,

true-up or true-up rebuttal testimony should not be filed with the Commission but should be submitted to each party simultaneously with the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. If there are no workpapers associated with testimony, the party's attorney should so notify the other parties within the time period for providing those workpapers.

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

3. The parties shall comply with the following additional procedural requirements:

(A) 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 party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list. Each party shall file a simple and concise statement summarizing its position on each disputed issue.

(B) 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 unresolved issues that the parties believe require decision by the Commission.

(C) All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(D) Each party serving a data request on another party shall provide an electronic copy of that data request to counsel for all other parties contemporaneously with when the data request is served on the party from whom the response is requested. Any party seeking a copy of the response to a data request issued by another party shall serve that request on the party to whom the original request was directed.

(E) In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

4. The Commission will expedite the transcript of the evidentiary hearing. The transcript of the evidentiary hearing shall be filed no later than January 10, 2011.

5. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



**Steven C. Reed**  
**Secretary**

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 25th day of October, 2010.