

ROB LEE,

Complainant,

v.

MISSOURI AMERICAN
WATER COMPANY,

Respondent.

Order Regarding Pre-Hearing Procedure

Issue Date: April 20, 2009

The Commission addressed the allegations that the complainant Rob Lee has filed in the Commission's electronic filing system after filing the complaint. The parties agreed to treat all such allegations as part of the complaint. The parties agreed to waive any further answer from respondent Missouri American Water Company, and any further report and recommendation from the Commission's staff ("Staff"), and conduct a single hearing on all such allegations.¹

¹ Section 386.390.2. Sections are in the 2000 Revised Statutes of Missouri.

defenses as motions to dismiss. Because each such motion is unsupported with evidence and argument, so far, the Commission denied each motion without prejudice.²

As to setting a date for the hearing, Mr. Lee stated that he intended to conduct discovery,³ and the parties agreed to exchange certain other information outside of the formal discovery procedure, in preparation for the hearing. Mr. Lee stated that he desired more time than the minimum allowed by law⁴ to prepare his case. Therefore, the Commission will not set a date for the hearing until Mr. Lee files a motion to set the hearing.⁵

The Commission addressed contacts with the regulatory law judge (“RLJ”) assigned to the case. The Commission instructed that no party may contact the RLJ except as follows:

- For any contact by telephone, the party making such contact must give all other parties an opportunity to participate in such contact.
- For any contact in writing, the party making the contact must serve a copy of the writing on all parties.

Otherwise, no party shall contact the RLJ.⁶

THE COMMISSION ORDERS THAT:

1. All Rob Lee’s allegations filed in the Commission’s electronic filing system are joined in the complaint.

2. Each of the affirmative defenses set forth in Missouri American Water Company’s answer is deemed a motion to dismiss and is denied without prejudice.

² 4 CSR 240-2.116(4).

³ 4 CSR 240-2.090.

⁴ Section 386.390.5.

⁵ But see 4 CSR 240-2.116(2).

⁶ See also 4 CSR 240-4.020(4).

3. The Commission will set no hearing on the complaint until Mr. Lee files a motion to set the hearing.

4. No party shall contact the regulatory law judge ("RLJ") assigned to the case except as set forth in the body of this order.

5. This order shall become effective immediately upon issuance.

BY THE COMMISSION



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 20th day of April 2009.

Respectfully submitted,



Daniel Jordan,
Regulatory Law Judge