

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) **File No. WM-2020-0403**¹
Water and Sewer Assets of Terre Du)
Lac Utilities Corporation)

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: November 4, 2020

Effective Date: November 4, 2020

On October 27, 2020,² the Commission held a Procedural Conference and the parties filed their Joint Proposed Procedural Schedule. The Commission will adopt the following procedural schedule and requirements:

THE COMMISSION ORDERS THAT:

1. The following procedural schedule deadlines are established:
 - Discovery: After the filing of rebuttal testimony on January 4, 2021, the parties shall have three business days to object to any data request and ten calendar days to respond. If a deadline falls on a weekend or a State recognized holiday, the due date shall be the next business day thereafter;
 - November 9: Deadline to object to Staff Recommendation;
 - December 8: Deadline to file Direct Testimony;
 - January 4, 2021: Deadline to file Rebuttal Testimony;

¹ WM-2020-0403 and SM-2020-0404 were consolidated by order of July 6, 2020.

² All date references will be to 2020 unless otherwise indicated.

- January 20, 2021: Deadline to file Surrebuttal Testimony (all parties responding to Rebuttal);
- January 22, 2021: Deadline for Staff to file Joint List of Issues and Order of Witnesses, Opening, and Cross-Examination;
- January 27, 2021: Deadline to file Position Statements;
- February 1-2, 2021: Evidentiary Hearing;
- February 24, 2021: Deadline to file Initial Briefs;
- March 10, 2021: Deadline to file Reply Briefs.

2. An evidentiary hearing shall occur on February 1 and 2, 2021, commencing at 10:00 a.m. each day. Because of the ongoing pandemic, the hearing will be conducted virtually by Webex. Further orders to facilitate the virtual hearing may follow.

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

- (A) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
- (B) All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form, essentially concurrently with the filing of such testimony, schedules, 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.
- (C) 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 in this case, the parties shall agree upon and 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 Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

- (D) 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.
- (E) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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.
- (F) Except as expressly stated herein, discovery will be governed by the rules of the Commission found in 20 CSR 4240-2.090.
- (G) All workpapers, when feasible, will be provided in electronic format within two business days following the date on which the related testimony is filed.
- (H) 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 or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.
- (I) Exhibit numbers are assigned in the following manner:

| | |
|--------------------------|---------|
| Confluence | 1-99 |
| Terre Du Lac | 100-199 |
| Commission Staff | 200-299 |
| Office of Public Counsel | 300-399 |

Other parties will be assigned exhibit numbers if needed.

- (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
under Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 4th day of November, 2020.