

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

In the Matter of the Application of Missouri- )  
American Water Company’s Request for )  
Authority to Implement General Rate ) **Case No. WR-2020-0344**  
Increase for Water and Sewer Service )  
Provided in Missouri Service Areas )

**JOINT PROPOSED PROCEDURAL SCHEDULE AND PROCEDURES**

**COME NOW** the Staff of the Missouri Public Service Commission (“Staff”), the Office of the Public Counsel (“OPC”), Missouri Energy Consumers Group (“MECG”), the City of St. Joseph, the Municipal League of Metro St. Louis, and the Missouri Industrial Energy Consumers (“MIEC”), (collectively, the “Signatories”),<sup>1</sup> and for their *Joint Proposed Procedural Schedule*, state the following:

***Discovery Conditions***

1. The Parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.
2. 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.
3. 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

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<sup>1</sup> The City of St. Joseph, Sunnysdale Properties, Public Water Supply District No. 2 of Andrew County, and The Empire District Electric Company have indicated they have no objection to this Joint Proposed Procedural Schedule and Procedures.

available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

4. The Parties agree as follows with respect to Data Requests:

a. Beginning October 5, 2020, the response time for all data requests shall be fourteen (14) calendar days, with ten (10) calendar days to object or to notify the requesting party that more than fourteen (14) calendar days will be needed to provide the requested information.

b. After non-Company Revenue Requirement direct testimony is filed (November 24), the response time for data requests shall be ten (10) calendar days to provide the requested information, and five (5) business days to object or to notify the requesting party that more than ten (5) calendar days will be needed to provide the requested information.

c. After Revenue Requirement rebuttal testimony is filed (January 15), the response time for data requests shall be five (5) business days to provide the requested information, and three (3) business days to object or to notify the requesting party that more than five (5) business days will be needed to provide the requested information.

5. The Parties agree to the following provisions regarding discovery:

a. Discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri.<sup>2</sup> Each discovery conference will begin at 10:00 a.m.

b. Not less than three (3) business days before each discovery conference, any party that has a discovery disagreement or concern involving another

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<sup>2</sup> Due to COVID-19 concerns, at the discretion of the Regulatory Law Judge, discovery conferences may be conducted via WebEx, or a similar virtual platform.

party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.

c. Discovery conferences shall be on the record and shall be transcribed by a court reporter.

d. Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

e. Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

f. The Parties shall make an effort to resolve all discovery disputes well before the hearing; however, the Parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the main hearings or the true-up hearings.

g. The Parties shall make an effort to not include confidential information in data request questions, and the Parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such pursuant to 20 CSR 4240-2.135. Responsibility to make this designation is upon the Party claiming such. Other Parties are entitled to rely on the presence or absence of such designation.

h. Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System ("EFIS").

All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other Parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any Party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, will be served on counsel for 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. 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 in writing a copy of the responses from the Party answering the data request; thereby providing the responding Party the opportunity to object. If a data request has been responded to, a Party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

### ***Test Year and True-Up Period<sup>3</sup>***

6. The Signatories propose setting a test year of the 12-months ending December 2019, with an update period of the six months ending June 2020, and a true-up period of the six months ending December 31, 2020. The true-up process and hearing shall be for the sole purpose of updating various known and measurable cost of service components to December 31, 2020. This will be accomplished by making specific (discreet) adjustments to the June 30, 2020, known and measurable revenue requirement

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<sup>3</sup> The OPC believes the use of an update period is necessary in this case, and believes that any true up should be limited to specified accounts and items as warranted.

calculation. Except for an extraordinary or unusual event, and upon reasonable notice given to all parties, no party may revise or change methods or methodologies for true-up issues from those it presented in evidence during the evidentiary hearing scheduled February 22, 2021, through March 5, 2021.

***Proposed Procedural Schedule and Conditions***

7. The Parties recommend that the Commission adopt the following Procedural Schedule:

| <b><u>Item</u></b>  | <b><u>Date</u></b> |
|---|--------------------|
| Company Update  | September 11, 2020 |
| Discovery Conference  | September 29, 2020 |
| Discovery Conference  | October 27, 2020   |
| All Non-CCOS / Rate Design<br>Direct Testimony by Non-Company Parties | November 24, 2020  |
| Discovery Conference  | December 2, 2020   |
| Rev. Requirement Technical Conference                                 | December 3, 2020   |
| CCOS / Rate Design Direct Testimony<br>by Non-Company Parties         | December 9, 2020   |
| Class Cost of Service / Rate Design<br>Technical Conference           | December 15, 2020  |
| List of Issues (among Parties only)                                   | December 22, 2020  |
| Beginning of Local Public Hearings                                    | January 4, 2021    |
| Discovery Conference  | January 12, 2021   |
| End of Local Public Hearings  | January 14, 2021   |
| Revenue Requirement<br>Rebuttal Testimony (all Parties)               | January 15, 2021   |
| CCOS/Rate Design<br>Rebuttal Testimony (all Parties)                  | January 22, 2021   |

|   |   |
|---|---|
| True-up Data provided to Parties  | January 29, 2021                                  |
| Surrebuttal Testimony – All Parties   | February 9, 2021                                  |
| Parties provide valuation of their positions<br>To Staff for the Reconciliation                     | February 11, 2021                                 |
| Last Day to Request Main Case Discovery   | February 11, 2021                                 |
| Reconciliation  | February 12, 2021                                 |
| List of Issues, List and Order of<br>Witnesses, Order of Opening, and<br>Order of Cross-Examination | February 12, 2021                                 |
| Settlement Conference   | February 15, 2021                                 |
| Last Day to Object to Discovery   | February 16, 2021                                 |
| Discovery Conference  | February 17, 2021                                 |
| Statements of Positions   | February 18, 2021                                 |
| Evidentiary Hearing   | February 22, 2021 –<br>March 5, 2021<br>8:30 A.M. |
| True-up Direct  | March 5, 2021                                     |
| True-up Rebuttal  | March 16, 2021                                    |
| Initial Briefs  | March 19, 2021                                    |
| Last Day to Request<br>True-up Case Discovery   | March 19, 2021                                    |
| True-up Hearing   | March 25, 2021<br>8:30 A.M.                       |
| Reply and True-up Briefs  | April 2, 2021                                     |
| Operation of Law Date   | May 27, 2021                                      |

**WHEREFORE**, the Signatories pray that the Commission will establish the Procedural Schedule as set out herein.

Respectfully Submitted,

**/s/ Mark Johnson**

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**Attorney for Municipal League of Metro  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and or counsel of record on this 13th day of August, 2020.

**/s/ Mark Johnson**