

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 14th day of October, 2020.

In the Matter of Elm Hills Utility Operating Company, Inc.'s Request for a Water Rate Increase) **File No. WR-2020-0275**
) Tariff Nos. YW-2021-0057 and
) YS-2021-0058

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: October 14, 2020

Effective Date: October 14, 2020

On March 6, 2020, Elm Hills Utility Operating Company, Inc. (Elm Hills or the Company) filed a notice opening two staff assisted rate cases which have subsequently been consolidated. A request for an evidentiary hearing was granted. On October 8, 2020, a Joint Proposed Procedural Schedule was filed on behalf of all parties: Elm Hills Utility Operating Company Inc.; the Staff of the Missouri Public Service Commission; and the Office of the Public Counsel.

The parties have also recommended an expedited discovery schedule. The Commission will adopt the parties' proposed schedule and expedited discovery schedule without change. Due to the COVID-19 pandemic, the hearing will be conducted by WebEx with participation details to be emailed to counsel.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Direct Testimony – All parties - October 22, 2020

Rebuttal Testimony	-	November 27, 2020
Surrebuttal Testimony	-	December 2, 2020
Settlement Conference	-	December 7, 2020
Stipulation of Facts	-	December 9, 2020
List of Issues, Order of: Witnesses, Cross-Examination, and Opening	-	December 9, 2020
Position Statements	-	December 11, 2020
Evidentiary Hearing	-	December 17, 2020
Initial Post-Hearing Briefs	-	January 7, 2021
Reply Briefs	-	January 19, 2021

2. Data request responses will be due in **ten** calendar days, with **five** business days to object or provide notice that more than ten days will be needed to respond.

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

(a) Testimony shall be prefiled as defined in Commission Rule 20 CSR 4240-2.130, including the requirement that testimony be filed on line-numbered pages.

(b) 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 should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

(c) 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.

(d) 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.

(e) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide an emailed copy of the testimony or document to **exhibits@psc.mo.gov**. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall email it to the presiding officer, and counsel for each other party, prior to the hearing if possible.

(f) All parties shall 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 (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.

(g) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via email. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

(h) Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. 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 a copy of the response from the party answering the data request. Data requests, other than data requests submitted through EFIS, shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses, other than responses to data requests in EFIS, shall be served (electronically, if feasible and practical) on counsel for the requesting party, unless waived by counsel, and shall also be served by e-mail (if feasible and practical) on the requesting party's employee or representative who submitted the data request at the e-mail address provided in the data request.

(i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to 20 CSR 4240-2.135.

(j) Unless included as part of a party's prefiled testimony or submitted as an exhibit at hearing, workpapers prepared in the course of developing a testimony need not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

(k) 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 that format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.

(l) Exhibit numbers are assigned in the following manner:

Elm Hills	1-99
Staff	100-199
OPC	200-299

(m) 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. The Commission shall hold an evidentiary hearing on December 17, 2020, at 9:00 a.m.

5. Participants shall appear at the evidentiary hearing telephonically via WebEx conference call. As the hearing will be live-streamed, the Commission requests interested persons who will not be actively participating in the hearing to watch or listen via the live-stream. The link and access code to participate in the hearing via WebEx conference call will be emailed to all parties. Anyone needing accommodations to

participate should call the Public Service Commission's Hotline at 1.800.392.4211 (voice) or Relay Missouri at 711 before the evidentiary hearing. As the impact of COVID-19 in December 2020 is unknown at the time this Order is issued, an in-person hearing may be arranged closer to the hearing upon request of the parties or by the Commission on its own motion.

6. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Hatcher, Regulatory Law Judge