

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16<sup>th</sup> day of February, 2023.

In the Matter of Confluence Rivers Utility	)	
Operating Company, Inc.'s Request for	)	<b><u>File No. WR-2023-0006</u></b>
Authority to Implement a General Rate	)	Tracking Nos. YW-2023-0113
Increase for Water Service and Sewer	)	and YS-2023-0114
Service Provided in Missouri Service	)	
Areas	)	

**ORDER SETTING PROCEDURAL SCHEDULE**

Issue Date: February 16, 2023

Effective Date: February 16, 2023

On December 21, 2022, Confluence Rivers Utility Operating Company, Inc. (Confluence or "the Company") filed a request for a general rate increase. At the Commission's request and on behalf of the parties to the case, the Staff of the Commission (Staff) filed a Joint Proposed Procedural Schedule. The parties to the case are Confluence, Staff, and the Office of the Public Counsel ("the Parties").

As the Parties unanimously agreed to the proposed schedule, the Commission will adopt it with only minor changes. The Commission finds that the fixed deadline for resolution of this case, the economic consequences of the pending rate changes to customers and to the Company, and the unanimous request of the Parties sufficient basis to expedite the transcripts as requested. The transcripts shall be completed on or before August 18, 2023.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:  

February 22, 2023	Discovery Conference
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March 15, 2023	All data through January 31, 2023, provided to Parties
March 22, 2023	Discovery Conference
April 19, 2023	Discovery Conference
May 11, 2023	Staff and OPC Direct Testimony (Cost of Service)
May 25, 2023	Revenue Requirement Technical Conference
May 30, 2023	Staff and OPC Direct Testimony (Rate Design)
May 31, 2023	Discovery Conference
June 7, 2023	CCOS Technical Conference
June 5-16, 2023	Local Public Hearings <sup>1</sup>
June 12, 2023	List of Issues (Among parties only)
June 16, 2023	Rebuttal Testimony - COS (All Parties)
June 21, 2023	Discovery Conference
June 23, 2023	Rebuttal Testimony - Rate Design (All Parties)
July 12, 2023	Surrebuttal Testimony (All Parties)
July 13 & 14, 2023	Settlement Conference
July 18, 2023	Discovery Conference
July 19, 2023	Joint Stipulation of Facts, List of Issues, Order of Hearing
July 21, 2023	Statement of Position
July 24, 2023	Parties Submit Final Valuation of Positions
July 24, 2023	Last Day of Discovery/Depositions
July 27, 2023	Last Day to Object to Discovery
July 27, 2023	Reconciliation Filed

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<sup>1</sup> Details regarding the local public hearing schedule will be ordered at a later date.

July 31, 2023 – Evidentiary hearing  
August 11, 2023

September 8, 2023 Initial Post Hearing Briefs

September 19, 2023 Reply/True-Up Briefs

2. The Commission shall hold an evidentiary hearing on July 31 through August 11, 2023, beginning at 9:00 a.m. on the first day.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. The transcripts shall be expedited.

5. The Parties shall comply with the following procedures:

A. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party (in electronic format, whenever feasible) within two business days following the date when the related testimony is filed, 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.

B. 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 with formulas intact, the party providing the workpaper or

response shall provide this type of information in that original format subject to the Commission's rules on discovery procedure.

- C. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel of record 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 shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- D. Public documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- E. 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.
- F. 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 not requiring resolution by the Commission.
- G. For the Statements of Position, each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.
- H. 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.
- I. If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

6. The Parties shall comply with the following regarding Data Requests:
- A. Until revenue requirement direct testimony is filed on May 11, 2023, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party that more than twenty calendar days will be needed to provide the requested information.
  - B. Beginning May 11, 2023, until rebuttal testimony is filed on June 23, 2023, the response time for data requests shall be ten calendar days to provide the requested information and five business days to object or notify the requesting party that more than ten calendar days will be needed to provide the requested information.
  - C. After rebuttal testimony is filed on June 23, 2023, the response time for data requests shall be five business days to provide the requested information and three business days to object or notify the requesting party that more than five business days will be needed to provide the requested information.
  - D. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to.
  - E. Data requests sent after 5:00 p.m. on Monday-Friday or on a weekend or state/federal holiday, will be considered served on the next business day.
  - F. The Parties shall make an effort to not include in data request questions confidential information, 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.
  - G. Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by email to counsel for the other parties. 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 response from the party answering the data request, thereby providing the responding

party the opportunity to object. 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. 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 in EFIS, shall be served on counsel for the requesting party, unless waived by counsel, and on 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. In the case of responses to data requests Staff issues, Confluence Rivers shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

7. The Parties shall comply with the following regarding discovery and discovery conferences:

- A. Discovery conferences will be held beginning at 10:00 a.m., via telephone or internet connection through Webex. Connection details will be emailed to counsel.
- B. Not less than three business days before each discovery conference, any party that has a discovery disagreement or concern involving another 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. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.
- C. Discovery conferences shall be on the record and shall be transcribed by a court reporter upon request.
- 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.

8. Exhibit numbers are assigned as follows:

1-99 Confluence  
100-199 Staff

200-299 Office of the Public Counsel

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C); for example, "Exhibit 2" is public, whereas "Exhibit 2C" is the confidential version.

9. Each party shall prepare a list of its exhibits and submit a copy to EFIS no later than two business days prior to the evidentiary hearing. The lists shall also 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.

10. 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

Rupp, Chm., Coleman, Holsman, and  
Kolkmeier CC., concur.

Hatcher, Senior Regulatory Law Judge


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 16<sup>th</sup> day of February, 2023.



  
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**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**February 16, 2023**

**File/Case No. WR-2023-0006**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.