

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

In the Matter of the Application of	)	
Missouri-American Water Company for	)	
An Accounting Authority Order related to	)	File No. WU-2017-0351
Property Taxes in S. Louis County and	)	
Platte County.	)	

**MOTION TO REJECT PROPOSED PROCEDURAL SCHEDULE**

COME NOW the Office of the Public Counsel, the Missouri Industrial Energy Consumers (“MIEC”) and the Midwest Energy Consumers Group (“MECG”) (collectively “Intervenors”) and for their Motion to Reject Proposed Procedural Schedule, respectfully state as follows:

1. On August 28, Missouri American Water Company (“MAWC” or “Company”) filed its Motion for Approval of Proposed Procedural Schedule (“Motion”). In its August 29 Order, the Commission directed that Responses to be filed no later than Thursday, August 31.
2. Notably, in its Application, MAWC seeks a Commission order under Section 393.140(8), which grants the Commission “the power, **after hearing**, to prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.”[emphasis added] Thus, by definition, this was a contested case from the outset, because a hearing is required by the very statute under which MAWC seeks relief.
3. In its Motion, MAWC requests an expedited procedural schedule giving the Company weeks to prepare its Direct Testimony while Intervenors would have limited time to prepare their case. MAWC’s Application in this case is vague as to the exact date, but since early June, MAWC has been aware of the *possible* increase of property taxes in two of the

counties in which it operates. Despite this knowledge, MAWC did not file its Application until the very end of June.

4. Further, MAWC does not explain or justify its delay in filing Direct Testimony. Instead, MAWC asks for 90 days to prepare and file its Direct Testimony, calculated from June 14 (the latest reasonable date that could be characterized as “early June”) through September 12.

5. The Company proposes that Staff and Intervenors should have only a third of that time to review MAWC’s testimony, engage in discovery and prepare Rebuttal Testimony. Similarly, MAWC proposes only 13 days (nine working days) for Staff and Intervenors to prepare Surrebuttal Testimony.

6. It is unreasonable for the Commission to adopt the Company’s Proposed Procedural Schedule. The Company’s failure to timely file its Direct Testimony should not be allowed to deny the Intervenors sufficient time to prepare their case(s).

7. Intervenors respectfully submit the following proposed procedural schedule as reasonable for all Parties in the case:

Direct Testimony – MAWC	September 4, 2017
Rebuttal Testimony – Intervenors	October 20, 2017
Surrebuttal Testimony – All Parties	November 3, 2017
List of Issues, Order of Cross, etc.	November 6, 2017
Statement of Positions	November 7, 2017
Evidentiary Hearing	November 8-10, 2017
Initial Post Hearing Briefs	November 23, 2017
Reply Post-Hearing Briefs	December 8, 2017

8. As part of its proposal, MAWC requests that the response times for data requests vary from Rule 4 CSR 240-2.090 in that data requests served on or after the date for the filing of Direct Testimony the response time is ten calendar days to provide the information and five business days to object or to provide reasons for an inability to answer within the 10 days.

9. Additionally, MAWC proposes that, for data requests served on or after the date of Rebuttal Testimony, the response time changes to five business days to provide the information and 3 business days to object or to provide reasons for an inability to answer within the 5 days. The Intervenor's agree with the Company's suggestion for the change in the timing of data request objections and responses, but, in addition to providing reasons for the inability to answer within 10 days, the Company/Party should be ordered to state the date on which the requested information will be provided.

10. The Intervenor's observe that since January 1, in cases initiated by MAWC, in all but one application MAWC filed either a motion to waive the Commission's notice requirement or sought expedited treatment.<sup>1</sup> Only in MAWC's rate case proceeding did the company manage to comply with this Commission Rule without seeking a waiver. This persistent reliance on seeking variances has clearly become the practice of MAWC, not an exception.

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<sup>1</sup> *In the Matter of Missouri-American Water Company for Certificates of Convenience and Necessity Authorizing it to Install, Own, Acquire, Construct, Operate, Control, Manage and Maintain a Water and Sewer System in an area of St. Louis County, Missouri*, File No. WA-2017-0278; *In the Matter of Missouri-American Water Company for Authority to Issue up to \$180,000,000 of Long-Term, Unsecured Debt*, File No. WF-2017-0349; *In the Matter of Missouri-American Water Company for Certificates of Convenience and Necessity Authorizing it to Install, Own, Acquire, Construct, Operate, Control, Manage and Maintain Water and Sewer Systems in and around the Village of Wardsville, Missouri*, File No. WA-2017-0181; *In the Matter of the Joint Application of Missouri-American Water Company and Audrain Public Water Supply District No. 1 for Approval of a Territorial Agreement Concerning Territory in Audrain County, Missouri*, File No. WO-2017-0191; *In the Matter of the Petition of Missouri-American Water Company for Approval to Establish an Infrastructure System Replacement Surcharge (ISRS)*, File No. WO-2017-0297; *In the matter of the Petition of Missouri-American Water Company for Approval to Establish an Infrastructure System Replacement Surcharge (ISRS)*, File No. WO-2018-0059; *In the Matter of the Application of Missouri-American Water Company for an Accounting Order Concerning MAWC's Lead Service Line Replacement Program*, File No. WU-2017-0296; and *In the matter of the Petition of Missouri-American Water Company for Approval to Establish an Infrastructure System Replacement Surcharge (ISRS)*, File No. WO-2018-0059.

11. The Commission should set a procedural schedule that does not disadvantage the Intervenor, but still proceeds in a reasonable time frame.

WHEREFORE Intervenor respectfully request the Commission issue its order adopting the Procedural Schedule presented above and any other relief the Commission deems just and proper under the circumstances.

Respectfully submitted,

**/s/ Lera L. Shemwell**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 30<sup>th</sup> day of August, 2017.

**/s/ Lera L. Shemwell**