

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

In the Matter of the Petition of Missouri-American)
Water Company for Approval to Change an) **File No. WO-2020-0410**
Infrastructure System Replacement Surcharge (ISRS)) **Tariff No. YW-2021-0048**

JOINT PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, on behalf of itself, Missouri-American Water Company (“MAWC”), and the Office of the Public Counsel (“OPC”), and, for its *Joint Proposed Procedural Schedule*, hereby states as follows:

1. Section 393.1006.2(3), RSMo, states that the “commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred twenty days after the petition is filed.”

2. Because MAWC filed its petition with the Commission on August 28, 2020, the Commission must issue an order to become effective by December 26, 2020 – 120 days after the filing of the Petition and the Tariff Sheet.

3. On November 6, 2020, OPC filed its *Response to Staff Recommendation and Request for an Evidentiary Hearing* notifying the Commission that it is in disagreement with Staff’s recommend increase in ISRS revenues; particularly Staff’s treatment of net operating losses (“NOLs”). The Commission thereafter set this matter for hearing on November 20, 2020, and directed the parties advise the Commission whether the parties will pre-file testimony and submit a joint proposed procedural schedule no later than November 12, 2020.

4. While the parties are currently in discussions regarding a potential settlement of the issues in this matter, they have determined that pre-filed testimony is

necessary, should the matter go to hearing. Further, the parties have reached agreement on the following proposed schedule:

Simultaneous Direct Testimony	-	November 17, 2020
Stipulation of Undisputed Facts	-	November 18, 2020
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	November 18, 2020
Statements of Position	-	November 19, 2020
Evidentiary Hearing	-	November 20, 2020¹
Post-Hearing Briefs	-	December 3, 2020²

Discovery Procedures

5. The parties request that the Commission adopt the following procedures regarding discovery:

a. 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 are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

b. After the filing of the *Joint Proposed Procedural Schedule* (November 12, 2020) the response time for data requests shall be two (2) business days to provide the requested information, and one (1) business day to object or notify that more than two (2) business days will be needed to provide the required information. The Commission

¹ The parties agree that any Rebuttal Testimony by witnesses that have submitted pre-filed Direct Testimony may be provided on the stand, at hearing.

² Due to the truncated schedule for this proceeding, the parties specifically request expedited hearing transcripts.

may rule on discovery motions without holding the conference required by 20 CSR 4240-2.090(8)(B).

c. 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 on the same day of the filing of the particular 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. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

d. 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 with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other storage media.

e. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

WHEREFORE, Staff prays that the Commission will accept this *Joint Proposed Procedural Schedule*; issue an Order setting the dates of this procedural schedule; and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

s/ Mark Johnson

Mark Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 12th day of November, 2020, to all counsel of record.

/s/ Mark Johnson