

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

In the Matter of the Petition of Missouri-American)
Water Company for Approval to Establish an) **Case No. WO-2018-0373**
Infrastructure System Replacement Surcharge (ISRS)) Tariff No. YW-2019-0018

JOINT PROPOSED PROCEDURAL SCHEDULE

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

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 20, 2018, the Commission must issue an order to become effective by December 19, 2018 – 120 days after the filing of the Petition and the Tariff Sheet – and the effective date of the tariff sheet filed by MAWC.

3. On October 29, 2018, MAWC filed its *Response to Staff Recommendation* notifying the Commission that it is in disagreement with Staff’s recommended increase in ISRS revenues; particularly Staff’s treatment of net operating losses (“NOLs”). Also on October 29, 2018, OPC filed its *Response to the Staff Recommendation* indicating its non-opposition to Staff’s Recommendation, but specifically indicating its support for Staff’s treatment of NOLs.

Accordingly, while the Parties continue to discuss the issue of the inclusion of NOLs in MAWC’s ISRS, and an agreement may ultimately be reached, the Parties

move the Commission to establish a procedural schedule in this matter as soon as possible so that the case may be adjudicated in a timely manner. For this purpose, the Parties propose the following procedural schedule be ordered by the Commission:

Direct Testimony	-	November 13, 2018
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	November 14, 2018
Statements of Position	-	November 16, 2018
Hearing	-	November 20, 2018¹
Post-Hearing Briefs	-	November 27, 2018²

Discovery Procedures

1. 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 6, 2018), the response time for data requests shall be 2 business days to provide the requested information, and 1 business days to object or notify that more than 2 business days will be needed to provide the requested information. The

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 briefing schedule for this proceeding, the Parties specifically request expedited hearing transcripts.

Commission may rule on discovery motions without holding the conference required by 4 CSR 240-2.090(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 electronic 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.

Respectively submitted,

/s/ 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 6th day of November, 2018, to all counsel of record.

/s/ Mark Johnson