

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

In the Matter of the Application of Missouri- )  
American Water Company’s Request for )  
Authority to Implement General Rate ) **Case No. WR-2022-0303**  
Increase for Water and Sewer Service )  
Provided in Missouri Service Areas )

**STAFF’S MOTION TO STRIKE MAWC’S REBUTTAL TESTIMONY OF  
TAKISHA WALKER AND TO DENY MAWC’S MOTION FOR LEAVE TO LATE FILE  
REBUTTAL TESTIMONY OF TAKISHA WALKER**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Strike Missouri-American Water Company’s (“MAWC”) Rebuttal Testimony of Takisha Walker and to Deny MAWC’s Motion for Leave to Late File Rebuttal Testimony of Takisha Walker*, states as follows:

1. On August 17, 2022, the Commission set forth an Order Setting a Procedural Schedule for the above matter, which included dates when the parties must file direct, rebuttal, and surrebuttal testimony in the Electronic Filing Information System (“EFIS”). Revenue and Rate Design Direct Testimony for non-company parties were to be filed on November 22, 2022 and December 16, 2022, respectively. Revenue and Rate Design Rebuttal Testimony **BY ALL PARTIES** were to be filed on January 18, 2023 and January 25, 2023, respectively. *Emphasis added.* Surrebuttal Testimony was to be filed by all parties by February 8, 2023.

2. The above Order also required the parties to comply with the following procedural requirements as set forth in Paragraphs 4 and 5:

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

c. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. The parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

5. The Commission also imposes the following procedural requirements:

a. 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.

b. 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 (.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.

c. 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.

3. On February 14, 2023, MAWC filed a Motion for Leave to Late File the Rebuttal Testimony of Takisha Walker along with the Rebuttal Testimony of the same, which was twenty-seven days after its due date of January 18, 2023. MAWC stated it emailed Ms. Walker's Rebuttal Testimony to the other parties on January 18, 2023; however, it "inadvertently" did not file it through EFIS on the same date. MAWC further

claims the late filing would not prejudice the parties as the parties received said testimony via email on January 18, 2023.

4. To be properly filed and served upon the parties, the testimony must be filed in EFIS and an electronic copy submitted to the other parties at the same time. Here, MAWC did not properly file and serve the testimony of Ms. Walker upon the other parties in this matter, as it was not filed within EFIS on January 18, 2023.

5. These deadlines are set to allow parties time, twenty-one days, to respond to the testimony by the surrebuttal testimony deadline and prior to any scheduled hearing; however, the deadline for surrebuttal testimony in this matter has since lapsed as it was due on February 8, 2023 and the hearing on this case is set to begin February 27, 2023.

6. Contrary to what MAWC claims, Staff and other parties will be prejudiced by this late filing, as the parties do not have ample time to investigate, request further information through data requests as the discovery deadline of February 9, 2023 has lapsed, draft, and file a response to this testimony prior to the scheduled hearing date of February 27, 2023, which is thirteen days from the date MAWC filed its Motion for Leave to Late File the Rebuttal Testimony.

7. Staff moves the Commission to Deny MAWC's Motion for Leave to Late File the Rebuttal Testimony of Takisha Walker and Strike Ms. Walker's Rebuttal Testimony, as it was not properly filed and served within the parameters of the Commission's Order and is detrimental or prejudicial to the Staff and the other parties if granted.

8. In the alternative, if the Commission decides to grant MAWC's Motion, then Staff requests that Staff may respond to Ms. Walker's rebuttal testimony through the True-up phase or through live surrebuttal testimony during the scheduled hearing, and be

granted an enlargement of time to request Data Requests (“DRs”) on the limited issue addressed in Ms. Walker’s testimony.

**WHEREFORE**, Staff hereby submits its *Motion to Strike MAWC’s Rebuttal Testimony of Takisha Walker and to Deny MAWC’s Motion for Leave to Late File Rebuttal Testimony of Takisha Walker* and respectfully requests the Commission to grant Staff’s Motion, or in the alternative, allow Staff to respond to the rebuttal testimony through live surrebuttal testimony at the hearing or through the True-up phase of the case.

Respectfully submitted,

**/s/ J. Scott Stacey**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 16<sup>th</sup> day of February, 2023.

**/s/ J. Scott Stacey**