

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Rex Deffenderfer Enterprises, Inc.)
Request for a Increase in Annual Water System) File No. WR-2011-0056
Operating Revenues)

ORDER SETTING PROCEDURAL CONFERENCE AND NOTICE OF COMMUNICATION

Issue Date: February 28, 2011

Effective Date: February 28, 2011

A procedural conference was held on February 28, 2011. At approximately 10:00 a.m. , after the conference, Jim Deffenderfer called the Regulatory Law Judge assigned to this matter. Mr. Deffenderfer expressed some concern over his understanding of the arbitration procedure and how the option of arbitration was presented to him. He indicates that he may be unable to secure legal counsel and that he may have to request an extension of time to file his position statement. The RLJ informed Mr. Deffenderfer of the time lines with this case filing, i.e. 9 month and 11 month deadlines. Technically, the conversation was not “*ex parte*” in that it was purely procedural in nature and at no time were any material issues discussed. However, wishing to maintain complete transparency, the RLJ immediately emailed the parties and has now issued this notice regarding this communication.

It would appear that there has not been a meeting of minds with regard to the arbitration. It would also appear that conducting the arbitration as a “mini-hearing” as was discussed at the conference could create an issue in terms of the company’s representation. While 4 CSR 240-3.050(3) states that parties need not be represented by counsel during the arbitration, Rex Deffenderfer Enterprises, Inc. is a corporation. Adducing evidence through testimony, cross-examination, filing legal pleadings, etc. is the

practice of law, and a corporation cannot be legally represented except through counsel authorized to practice law. Consequently, the Commission will set a new procedural conference to address these issues.

THE COMMISSION ORDERS THAT:

1. The parties shall appear at a procedural conference to be held on Monday, March 7, 2011, beginning at 10:00 a.m. The conference will be held in Room 305 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This building meets the accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in this prehearing conference shall call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

2. Any party that wishes to participate in the conference by telephone may do so by calling (573) 522-5993 and entering *456 as the password when prompted at the time set for the conference.

3. This order shall become effective immediately upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Harold Stearley, Senior Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of February, 2011.