

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

In the Matter of Missouri-American Water Company's )  
Request for Authority to Implement A General Rate ) **File No. WR-2011-0337**  
Increase for Water and Sewer Service Provided in )  
Missouri Service Areas )

**SECOND NOTICE REGARDING LOCAL PUBLIC HEARINGS HELD IN  
ST. LOUIS, MISSOURI ON JANUARY 9, 2012**

Issue Date: January 12, 2012

On July 5, 2011, the Commission issued its "Order Directing Notice, Setting Intervention Deadline, Setting Hearings, Directing Filings and Setting Procedural Schedule." In that order, the Commission ordered the parties to comply with various procedures. As was stated in paragraph 14:

14. The parties shall comply with the following additional procedural requirements:

A. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form contemporaneously with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

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**D. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130.** All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages. (Emphasis added).

Additionally, Commission Rule 4 CSR 240-2.130(10) provides:

No party shall be permitted to supplement prefiled prepared direct, rebuttal, or surrebuttal testimony unless ordered by the presiding officer or the commission. A party shall not be precluded from having a reasonable opportunity to address matters not previously disclosed which arise at the hearing. This provision does not forbid the filing of supplemental direct testimony for the purpose of replacing projected financial information with actual results.

One of the reasons for these procedural requirements is to ensure that all parties have a reasonable opportunity to respond to testimony and to prepare for, and be present for, cross-

examination of any party's witness or witnesses. The deadline for prefiling direct testimony has passed. The deadline for rebuttal testimony is January 19, 2012, and the deadline for surrebuttal testimony is due on February 2, 2012.

On January 9, 2012, the Commission convened two local public hearings in St. Louis, Missouri. At those hearings, Tom Schneider and James Dent appeared on behalf of the Utility Workers Union of America, Local 335; not on behalf of themselves as individuals. Neither had prefiled direct testimony in this matter. The presiding officer allowed the live testimony to be entered into the record.

Not having prefiled the testimony, the other parties did not have an opportunity to review that testimony prior to Mr. Schneider's and Mr. Dent's live testimony at the local public hearings. Not knowing that party witnesses would be offering testimony at these local public hearings, the other parties did not have an opportunity to prepare for, and be present for, cross-examination of Mr. Schneider and Mr. Dent at the local public hearings. Consequently, the Commission is issuing notice that any party wishing to respond to the testimony offered by Mr. Schneider and Mr. Dent at the local public hearings may do so.<sup>1</sup>

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 12<sup>th</sup> day of January, 2012.

Stearley, Deputy Chief Regulatory Law Judge

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<sup>1</sup> Section 536.077 provides the procedure for compelling attendance of any witness for examination in a contested case proceeding.