

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 13th day of June, 2018.

In the Matter of the Application of Rate)
Increase Request for Liberty Utilities) **File No. WR-2018-0170**
(Missouri Water), LLC d/b/a Liberty Utilities)

**ORDER SETTING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: June 13, 2018

Effective Date: June 13, 2018

On June 5, 2018, the Commission's Staff, on behalf of itself; Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities ("Liberty"); the Office of the Public Counsel; and Ozark Mountain Condominium Association, Inc. filed a non-unanimous proposed procedural schedule. The Commission will adopt the proposed procedural schedule and will order additional procedural requirements. To ensure that discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2016, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes and to rule on all motions to compel discovery.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Date	Event
June 13, 2018	Discovery response time shortened to 10 calendar days; time to object shortened to 5 calendar days
June 22, 2018	Direct testimony
July 20, 2018	Rebuttal testimony – all parties
July 23–27, 2018	Local Public Hearings (TBD)
August 3, 2018	Surrebuttal testimony – all parties
August 3, 2018	Last day to request discovery
August 10, 2018	List of issues, order of witnesses, order of cross examination, order of opening statements
August 13, 2018	Position statements
August 15–17, 2018	Evidentiary hearing
August 31, 2018	Initial briefs due
September 11, 2018	Reply briefs due
September 15, 2018	Nine month deadline

2. The evidentiary hearing is scheduled for August 15-17, 2018, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission’s Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

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

- A. The parties shall provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.
- B. 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.

- 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. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- D. The response time for all data requests shall be ten (10) calendar days, with five (5) calendar days to object or to notify the requesting party that more than ten (10) calendar days will be needed to provide the requested information.
- E. The parties shall comply with the following provisions regarding discovery:
 - (1) A party with an unresolved discovery dispute may file a motion to request a discovery conference. Discovery conferences shall be scheduled by order of the presiding regulatory law judge with one week's prior notice to all parties.
 - (2) Not less than two (2) business days before a discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.
 - (3) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
 - (4) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
 - (5) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
 - (6) All data requests, subpoenas, or other discovery requests shall be issued no later than August 3, 2018. With respect to deposing a witness, so long as a notice of deposition is issued by August 3, 2018, the deposition may occur, notwithstanding that the deposition will take place after August 3, 2018, or that there

could be other conditions that must be satisfied prior to the deposition.

- (7) All motions to compel a response to any discovery request related to the case shall be filed no later than August 10, 2018.
 - (8) The parties shall make an effort to not include confidential information in data request questions and the parties shall make an effort not to over- designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.
 - (9) Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, shall be served on counsel for the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by Commission rule. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.
- F. 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.
- G. The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing,

the order in which they will be called, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

- H. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under that law with citations to any pre-filed testimony in support.
- I. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.
- J. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- K. Exhibit numbers are assigned in the following manner:

Liberty Utilities	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Orange Lake Country Club and Silverleaf Resorts	300-399
Ozark Mountain Condominium Assoc.	400-499

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Liberty Utilities has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

- L. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than August 13, 2018. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are

offered during the hearing, they will be assigned a number from that party's number group.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff
Secretary

Hall, Kenney, Rupp, Coleman, and
Silvey, CC., concur.

Clark, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 13th day of June 2018.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 13, 2018

File/Case No. WR-2018-0170

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Liberty Utilities

Paul A Boudreau
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
PaulB@brydonlaw.com

Liberty Utilities

Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

**Missouri Public Service
Commission**

Casi Aslin
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
casi.aslin@psc.mo.gov

Orange Lake Country Club, Inc.

Joshua Harden
1201 Walnut St., Suite 2900
Kansas City, MO 64106
Joshua.Harden@stinson.com

**Ozark Mountain Condominium
Association, Inc.**

Sarah E Giboney
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
giboney@smithlewis.com

Silverleaf Resorts, Inc.

Joshua Harden
1201 Walnut St., Suite 2900
Kansas City, MO 64106
Joshua.Harden@stinson.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.