

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 5th day of May, 2021.

Anchor's Point Condominium Owners Association, Inc.,)
)
)
 Complainant,)
)
 v.)
)
 TRR Management, LLC; Frank J. Steed, JR.)
 d/b/a Steed Communities; JM Land Holdings,)
 LLC; TRR Time Share, LLC; Carroll James)
 Christiansen; Kimberling Inn, Inc.; and)
 Kimberling Properties, Inc.,)
)
 Respondents.)

File No. WC-2020-0048

**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: May 5, 2021

Effective Date: May 5, 2021

On August 26, 2019, Anchor's Point Condominium Owners Association, Inc., (Complainants) filed a complaint with the Commission against TRR Management, LLC; Frank J. Steed, JR. d/b/a Steed Communities; JM Land Holdings, LLC; TRR Time Share, LLC; Carroll James Christiansen; Kimberling Inn, Inc.; and Kimberling Properties, Inc., (Respondents).

During the course of this complaint the Commission granted multiple requests for extensions of time and eventually stayed proceedings at the request of the parties on November 9, 2020. Complainants and Respondents filed opposing status reports on March 22, 2021, and March 26, 2021, with Complainants wanting to continue the stay

and Respondents wishing to proceed toward a hearing. The Commission set a procedural conference for April 9, 2021, to discuss how to proceed. At the procedural conference the Regulatory Law Judge ordered Staff to file a procedural schedule on behalf of the parties. Staff filed a proposed procedural schedule on April 23, 2021, which the Commission will adopt.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

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|---|--------------------|
| Direct Testimony (Complainant) | July 6, 2021 |
| Last Day to Conduct Depositions | July 12, 2021 |
| Rebuttal Testimony (Respondent and Staff) | August 2, 2021 |
| Deadline for Summary Determination Motions | August 10, 2021 |
| Surrebuttal (Complainant¹) | August 23, 2021 |
| Last Day to Request Discovery | August 25, 2021 |
| List of Issues, List of Witnesses, Order of Cross-Examination, and any Time Limits | August 30, 2021 |
| Position Statements | September 6, 2021 |
| Evidentiary Hearing | September 14, 2021 |
| Initial Briefs | October 11, 2021 |
| Reply Briefs | October 19, 2021 |

2. On August 2, 2021, the time for responses to Data Requests is shortened from 20 days to 10 days.

¹ Staff may file surrebuttal testimony if new issues arise that are not covered by its January 16, 2020, Staff Report.

3. The evidentiary hearing is scheduled for September 14, 2021, 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.

4. 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. Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue, 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, and the order of cross examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- C. 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 the law with citations to any pre-filed testimony in support.
- 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.

- E. 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.
- F. All data requests, subpoenas, or other discovery requests shall be issued no later than August 25, 2021.
- G. Testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- H. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position.
- I. 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 pre-filed, 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.
- J. Exhibit numbers are assigned in the following manner:

| | |
|--------------------|---------|
| Complainant | 1-99 |
| Respondents | 100-199 |
| Commission's Staff | 200-299 |

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

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public exhibit two would be marked as Exhibit 2, whereas the confidential exhibit two would be marked as Exhibit 2C.

- K. 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 September 13, 2021. 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, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Clark, Senior Regulatory Law Judge