

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Lincoln County Sewer & Water, LLC for)
a Certificate of Convenience and Necessity Authorizing) **File No. WA-2012-0018, et al.**
it to Own, Operate, Maintain, Control and Manage Water)
Systems in Lincoln County, Missouri)

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: May 15, 2012

Effective Date: May 15, 2012

On May 15, 2012, the Commission's Staff filed a proposed procedural schedule. Staff states that Lincoln County Sewer & Water, L.L.C. and the Office of the Public Counsel, the only other parties to this matter, are in agreement with the proposed schedule. The Commission will adopt that schedule with modifications. This order also addresses specific procedural guidelines for data requests, the filing of testimony and exhibits, and the filing of briefs.

THE COMMISSION ORDERS THAT:

1. A prehearing conference is scheduled for May 22, 2012, beginning at 9:00 a.m. The conference will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.
2. An evidentiary hearing is scheduled for August 16-17, 2012, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.
3. Discovery conferences may be requested at any time by contacting the Regulatory Law Judge and shall be requested without delay if a dispute occurs. If no conferences are requested prior to July 31, 2012, the parties will be deemed to have

waived any claim or defense as to any discovery or response to any discovery request that has been served.

4. All hearings and conferences set in this order 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 any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. The following procedural schedule is established:

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| Prehearing Conference | - May 22, 2012
beginning at 9:00 a.m. |
| Unanimous Partial Stipulation Filed | - June 1, 2012 |
| Simultaneous Direct Testimony | - June 8, 2012 |
| Discovery Deadline (Answers Provided by) | - June 19, 2012 |
| Rebuttal Testimony | - July 17, 2012 |
| Issues List, Witnesses List, Order of Witnesses, Order of Cross-Examination
Order of Opening Statements | - August 8, 2012 |
| Joint Stipulation of Undisputed Facts | - August 10, 2012 |
| Evidentiary Hearing | - August 16-17, 2012
beginning at 8:30 a.m. |
| Transcript | - August 31, 2012 |
| Simultaneous Post-Hearing Briefs | - September 20, 2012 |
| Proposed Findings of Fact and
Conclusions of Law | - September 24, 2012 |

6. 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. Electronic materials shall not be provided in any form that prevents forwarding or further electronic distribution of materials.
- B. If either highly confidential or proprietary information must be included in data request questions, the parties shall follow Commission Rule 4 CSR 240-2.135 for properly designating such information.
- C. Counsel for each party shall receive electronically from each other party, an electronic copy of the text of all data request “descriptions” served by that party on another party in the case contemporaneously with service of the request. If the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.
- D. 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 a copy of the response from the party answering the data request – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary.
- E. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties.
- F. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- G. Data request responses will be served on counsel for the requesting party and on the requesting party’s employee or representative who submitted the data request and shall be served electronically, if feasible and not be voluminous as defined by Commission rule.
- H. The response time for all data requests is 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information.

- I. If a data request has been responded to, a party's request for a copy of the response shall be timely provided.
- J. All data requests and responses are subject to the discovery deadline date provided in this schedule. No exceptions will be made without the approval of the Regulatory Law Judge.
- K. Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers.
- L. Counsel shall undertake to advise other counsel if a sponsored witness has no workpapers related to their testimony.
- M. 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 with formulas intact. Electronic materials shall not be provided in any form that prevents forwarding or further electronic distribution of materials.
- N. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail contemporaneously with the EFIS filing.
- O. 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.
- P. The parties shall agree upon and Staff shall file a list of the issues to be heard; the order for opening statements; and the list of witnesses to appear on each day of the hearing, the order in which they will be called, and the order of party cross-examination for each witness. 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.

- Q. 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.
- R. 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.
- S. The parties shall pre-number their hearing exhibits sequentially with individual party designation as follows:
- a.) Lincoln Co. Exhibit No. 1, Lincoln Co. Exhibit No. 2, etc.
 - b.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
 - c.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- T. Each party shall prepare a comprehensive exhibit list before the evidentiary hearing with the listed exhibits numbered sequentially as directed in paragraph S. Copies of the exhibit lists shall be provided to the Commissioners, the Regulatory Law Judge and the Court Reporter at the beginning of the hearing.
- U. In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.
7. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 15th day of May, 2012.