

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

In the Matter of Missouri-American Water Company)	
for a Certificate of Convenience and Necessity)	<u>File No. WA-2012-0066</u>
Authorizing it to Install, Own, Acquire, Construct,)	<u>File No. SA-2012-0067</u>
Operate, Control, Manage, and Maintain Water and)	
Sewer Systems in Christian and Taney Counties,)	
Missouri.)	

JOINT PROPOSED PROCEDURAL SCHEDULE

COME NOW the Staff of the Missouri Public Service Commission (Staff), Missouri-American Water Company (MAWC), the Office of Public Counsel (Public Counsel), and Ag Processing Inc. A Cooperative, (AGP), (collectively referred to hereafter as Parties) and submit to the Missouri Public Service Commission (Commission) the following *Joint Proposed Procedural Schedule*, and in support thereof state:

1. On August 26, 2011, MAWC filed two applications with the Commission seeking a Certificate of Convenience and Necessity (CCN) that would authorize MAWC to install, own, acquire, construct, operate, control, manage and maintain water and sewer systems for the village of Saddlebrooke, which is located in Christian and Taney Counties, Missouri.
2. On January 6, 2012, Staff filed its *Recommendation and Report*.
3. On January 13, 2012, Public Counsel filed its objection and renewed those objections in its filing with the Commission on January 27, 2012.
4. On February 7, 2012, the Commission issued an *Order Setting Prehearing Conference* for March 7, 2012, and directed the parties to “jointly prepare and file a proposed procedural schedule or, in the alternative, each party shall file its own proposed procedural schedule, no later than March 14, 2012.”

5. On February 12, 2012, AGP filed an application to intervene which was granted by the Commission on February 27, 2012.

6. The above-named Parties appeared at the prehearing conference and discussed proposed procedural schedules. As a result of those discussions they reached an agreement on a proposed procedural schedule, as follows:

Direct Testimony of MAWC	March 27, 2012
Rebuttal Testimony	May 9, 2012
Surrebuttal Testimony	June 5, 2012
Pre-hearing Conference	June 7, 2012
Joint List of Issues	June 15, 2012
Position Statement	June 19, 2012
Hearing	June 28-29, 2012

7. The Parties also have agreed to the following procedures, and request the Commission order these procedures be included in the Commission's Order that will set the Procedural Schedule for this case:

(a) All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently 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 those materials.

(b) An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135.

(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. 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. 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. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality. 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 voluminous as defined by Commission rule.

(d) Until the filing of rebuttal testimony, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After rebuttal filing, the response time for data requests shall be 10 business days to provide the requested information, and 5 business days to object or notify that more than 10 business days will be needed to provide the requested information. After the filing of surrebuttal testimony, the response time for data requests shall be 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.

(e) 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. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.

(f) 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, if available in that original format, the party providing the workpaper or response shall provide this type of

information in that original format. Electronic materials shall not be provided in any form that prevents forwarding or further electronic distribution of those materials.

(g) For purposes of this case, the parties request that the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony and other pleadings, and treat filings made through the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.

(h) The Parties request that documents filed in EFIS be considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.

7. Staff counsel received permission to file this on behalf of MAWC, Public Counsel and AGP.

WHEREFORE, Staff respectfully submits this *Joint Proposed Procedural Schedule* and the procedures set forth above, on behalf of Staff, MAWC, Public Counsel and AGP, for the Commission's information and consideration, and respectfully request the Commission issue an order establishing a procedural schedule for this matter.

Respectfully submitted,

/s/ Rachel M. Lewis

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 14th day of March, 2012.

/s/ Rachel M. Lewis