

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Missouri-American Water Company's)	<u>File No. WR-2010-0131</u>
Request for Authority to Implement a)	Tracking No. YW-2010-0310
General Rate Increase for Water Service)	YS-2010-0311,YS-2010-0312,
Provided in Missouri Service Areas)	YS-2010-0313,YS-2010-0314

ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: January 13, 2010

Effective Date: January 13, 2010

The Missouri Public Service Commission is adopting the proposed procedural schedule, making other rulings as to procedural matters, and reserving ruling on the true-up period.

In the Commission's scheduling order,¹ the Commission gave the parties until January 5, 2010, to file any proposed procedural schedule. The parties discussed such matters at the early pre-hearing conference on December 14, 2009. At that conference, the Commission ruled on some issues and reserved ruling on updates for known and measurable item changes and the true-up period.

On December 31, 2009, the Commission's staff ("Staff") filed a proposed procedural schedule, with a proposed list of procedural conditions, and requested an order adopting such schedule and conditions. No other party filed a proposed procedural schedule or conditions. Office of the Public Council has separately filed a request for local public hearings with recommended dates and locations, on which the Commission will further rule by separate order.

The proposed procedural schedule varies from the Commission's scheduling order in several respects, including cancelling hearing dates for File No. SR-2010-0135, which

¹ Order dated November 18, 2009, as corrected by order dated November 19, 2009.

the Commission consolidated with this file at the pre-hearing conference. The proposed procedural schedule also includes a different date for a true-up hearing. A true-up period is not among the items proposed. At the pre-hearing conference, Staff suggested deferring its recommendation on the true-up period until it filed its class cost of service testimony.² Therefore, the Commission set a filing date for recommendations on the true-up period.

Staff represents that the proposed schedule and conditions have the agreement of all parties, except Missouri Industrial Energy Consumers,³ who take no position on the proposed schedule and conditions. Therefore, the Commission will adopt the proposed procedural schedule and proposed conditions.

THE COMMISSION ORDERS THAT:

Issues

1. The parties shall try any issues related to File No. SR-2010-0135 during the times reserved for WR-2010-0131 as set forth in this order.

2. Missouri American Water Company shall update its case for known and measurable item changes through October 31, 2009, and provide the updates to the Commission's staff ("Staff") and to other requesting parties.

3. Any party's motion to establish a true-up period shall be filed no later than March 29, 2010. Any party may file such motion jointly or separately. Evidence and argument may accompany such motion.

² Transcript volume I, page 21, lines 12 through 20.

³ The acronym stands for, the name under which The Boeing Company, Hussman Refrigeration and Monsanto intervened.

Schedule

4. Because the Commission consolidated File No. SR-2010-0135 into File No. WR-2010-0131, the following hearing dates for File No. SR-2010-0135 are cancelled: April 27-30, 2010, for the evidentiary hearing; and June 10-11, 2010, for true-up issues.

5. For File No. WR-2010-0131, the June 16-18, 2010, hearing date for the true-up hearing is cancelled because the Commission is setting a new date for a true-up hearing in this order pursuant to the proposed procedural schedule.

6. The procedural schedule shall be as follows.

<i>Event</i>	<i>Date</i>
Direct Testimony (Revenue Requirement)— Non-Company Parties	March 9, 2010
Direct Testimony (Class Cost of Service and Rate Design)— Non-Company Parties	March 26, 2010
Local Public Hearings ⁴	March 29, 2010- April 9, 2010; and April 19-23, 2010
Prehearing Conference, starting at 10:00 a.m.	April 5-9, 2010
Preliminary Issues List	April 9, 2010
Rebuttal Testimony	April 15, 2010
Surrebuttal Testimony	May 6, 2010
Lists of Issues, Order of Witnesses, Order of Cross Examination	May 10, 2010
Reconciliation	May 10, 2010
Position Statements	May 12, 2010
Evidentiary Hearing, starting at 9:00 a.m.	May 17-28, 2010
True-Up Direct	June 16, 2010
True-Up Rebuttal	June 25, 2010
Initial Briefs (On Issues Heard During Evidentiary Hearing)	June 30, 2010
True-Up Hearing, starting at 9:00 a.m.	July 1-2, 2010
Reply Briefs (On Issues Heard During Evidentiary Hearing)	July 12, 2010
True-Up Briefs	July 23, 2010
Operation of Law Date	September 29, 2010

7. Each conference or hearing set forth in the procedural schedule shall be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

⁴ As the Commission's schedule allows and subject to the Commission's further orders.

8. The conference and hearing room is in a building that meets accessibility standards required by the Americans with Disabilities Act, and any person needing additional accommodations to participate in the hearing shall call the Commission's Hotline at 1-800-392-4211 (voice), or Relay Missouri at 711, not less than 24 hours before the hearing.

Filing and Service Generally

9. Regulation 4 CSR 240-2.045(2) is waived. Any item filed electronically using the Commission's Electronic Filing and Information System ("EFIS") shall be deemed timely filed if received in EFIS not later than 11:59:59 p.m. on the date such document is due.

10. The parties may serve any document by electronically transmitting a copy to all parties' counsel of record. Counsel so served shall bear any responsibility for further distribution to their respective clients. If such document is filed, such service shall be contemporaneous with such filing.

11. The parties shall, without the necessity of a request, serve work-papers electronically upon all parties no later than two business days after the filing of the testimony to which such work-papers pertain.

Data Requests

12. Pursuant to the parties' agreement and as provided at 4 CSR 240-2.090(2), the response and objection intervals for Data Requests ("DRs") as of the date for filing the Direct Testimony-Revenue Requirement testimony (March 9, 2010), is modified to ten calendar days for responses and five business days for objections.

13. The parties shall electronically serve all DRs on counsel of record for each party as shown on the certificated service list. The party serving the DR shall avoid including highly confidential or proprietary matter in a DR question. The responding party shall serve

all DR responses only on the specific party or parties requesting them, unless another party requests service of such response. Such request shall not initiate a new time period if the response originally requested is readily available. The responding party shall serve the response as soon as practicable and, if the time period for the original DR has not expired, concurrently with the response to the original DR.

14. The responding party shall provide DR responses in electronic format to the extent reasonably possible. This condition shall not require undue efforts to convert materials from hard copy to electronic format that do not already exist in the electronic format.

Other Pre-Hearing Matters

15. Lists of Issues. Staff shall draft in co-operation with the other parties, and file, a list of issues. Every other party shall either join in Staff's list of issues or separately file a list of issues. The format requirements set forth in 4 CSR 240-2.080(21) are waived. Any list of issues shall set forth related issues as follows. If the determination of an issue is preliminary to the determination of other issues, such other issues shall be listed below such preliminary issue. Any matter not included in a list of issues shall be presumed to require no determination by the Commission.

16. Statements of Positions. Each party shall file a statement of its position on each issue. Any party's position statement shall address issues in the order set forth in such party's list of issues. For any issue upon which any party intends to adduce evidence, such party shall simply and concisely set forth any matters on which such party relies as follows. The party shall cite any law, allege any facts relevant under such law, and name any witness offering testimony on such facts with specific page references to pre-filed testimony

containing such evidence. No party's position statement shall include argument on the merits of any party's position.

17. Order of Witnesses, Order of Cross Examination. Each party shall file a list of witnesses to appear on each day of each hearing and the order in which they propose to call such witnesses. Any party may file a motion, jointly or separately, proposing the order of cross-examination.

18. Settlement. Settlement shall not be grounds for a continuance of the hearing unless the settlement resolves all issues in all lists of issues, no party objects to the settlement, and the final written document embodying the settlement is on file with the Commission.

Hearing Exhibits

19. Not later than the first day of the evidentiary hearing (May 17, 2010), each party shall pre-mark such party's exhibits as follows and provide a listing of such exhibits to all other parties. Each party shall number its exhibits sequentially, with a shorthand indication of the party's name as part of the exhibit number, separated from the number by a dash. For example, Missouri American Water Company may designate an exhibit "MAWC-1".

20. Each party shall mark such party's pre-filed testimony as exhibits.

21. All parties shall bring an adequate number of copies of any exhibit such party intends to offer into evidence at the hearing as follows. If an exhibit has been pre-filed, only one copy of such exhibit is necessary for the court reporter. If an exhibit has not been pre-filed, the party offering it shall bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Regulatory Law Judge, and all counsel.

Post-Hearing

22. Transcripts for any day of the evidentiary and true-up hearing shall be expedited to be available no later than the third working day after such day's testimony. Any party desiring more expedited preparation shall file a motion no later than five days before the hearing date.

23. The Commission will separately issue a briefing schedule as to issues remaining in dispute at the close of a hearing.

24. Any party's brief shall follow such party's list of issues. Any brief may include proposed findings of fact and conclusions of law. As to any issue remaining in dispute, each finding of fact shall include a supporting citation to the record.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of January, 2010.