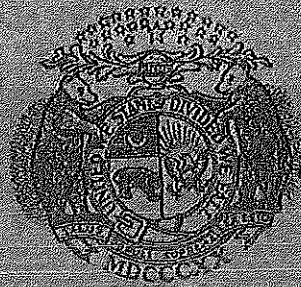


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Service Commission

STATE of MISSOURI  
PUBLIC SERVICE COMMISSION  
RULES  
of  
PRACTICE and PROCEDURE  
with suggested forms



Rec Staff Exhibit No. 203  
Date 3-22-17 Reporter MC  
File No EA 2016-0358

Approved: November 2, 1953  
Effective: January 1, 1954

**RULES**  
of  
**PRACTICE and PROCEDURE**  
before the  
**PUBLIC SERVICE COMMISSION**  
of the  
**STATE OF MISSOURI**

**THOMAS A. JOHNSON**  
*General Counsel*

**MARVIN P. MOORE**  
*Secretary*

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office in  
Jefferson City on the 2nd day  
of November, 1953

In the Matter of Rules of Practice  
and Procedure before the Public  
Service Commission.

---

O R D E R

WHEREAS, the Rules of Practice and Procedure before the Public Service Commission of Missouri heretofore in force were adopted April 24, 1913, since which date some of said rules have become outmoded and unnecessary, and there exists a need for additional rules; and

WHEREAS, the Commission's counsel has submitted proposed Rules of Practice and Procedure to replace the present rules, the Commission has fully and carefully considered the same and has determined that the proposed revision, as finally drafted, is not inconsistent with law and will assist and promote the orderly and efficient discharge of the duties and responsibilities of the Commission.


Now, therefore, it is


ORDERED: 1. That, pursuant to the authority granted by Section 386.410 R. S. Mo. 1949, the attached Rules of Practice and Procedure be and the same are hereby adopted as the Rules of


Practice and Procedure before this Commission, to be effective on January 1, 1954, and the Secretary of the Commission shall file a certified copy of this Order and the attached Rules with the Secretary of State of Missouri on or before December 21, 1953.

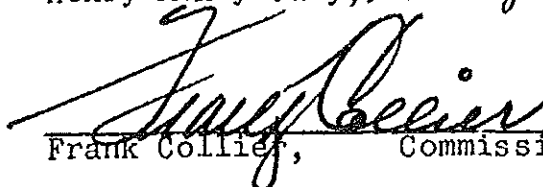
ORDERED: 2. That the said Rules of Practice and Procedure shall be printed and made available to the public through the office of the Secretary of the Commission, and as hereby adopted shall supersede the Rules of Practice and Procedure heretofore adopted at any time.

  
Tyre W. Burton, Chairman

  
Charles L. Henson, Commissioner

  
B. L. McClintock, Commissioner

  
Henry McKay Cary, Commissioner

  
Frank Collier, Commissioner

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**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 1. GENERAL.**

**Rule 1.01. Definitions.** As used in these Rules, except as otherwise required by the context:

(a) **"Person"** means and shall include individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups of persons, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of the State of Missouri, or of any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

(b) **"Commission," "Chairman" and "Commissioner"** means the Public Service Commission of the State of Missouri, its Chairman and a member thereof, respectively.

(c) **"Secretary"** means and shall include the Secretary or the Office of the Secretary of the Commission.

(d) **"Presiding Officer"** means and shall include any member of the Commission, or any Examiner, duly designated as such.

(e) **"Applicants."** Persons on whose behalf applications are made for permission or authorization which the Commission may give under statutory or other authority delegated to it and persons seeking relief not otherwise designated in this rule are styled applicants.

(f) **"Complainants."** Persons on whose behalf a complaint against a gas, electric, water, telephone, heating or transportation corporation is filed, including complaints as to service and rates, are styled complainants.

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(g) **"Respondents."** Persons subject to any statute administered by the Commission, or any orders, rules, or regulations issued or promulgated thereunder, against whom any complaint is filed or to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

(h) **"Interveners."** Persons petitioning to intervene as provided by Rule 12.02, when admitted as a party to a proceeding, are styled interveners.

**Rule 1.02. The Commission.**

(a) **Offices.** The office of the Commission is at Jefferson City, Missouri. All general inquiries to the Commission should be addressed to the Secretary, Public Service Commission, Jefferson State Office Building, Jefferson City, Missouri.

(b) **Hours.** The offices of the Commission shall be open from 8:00 A. M. to 5:00 P. M. and hearings shall generally be held between 10:00 A. M. and 4:30 P. M.

(c) **Quorum.** Three members of the Commission constitute a quorum.

**Rule 1.03. The Secretary.**

(a) **Official Records.** The Secretary shall maintain a complete record of all proceedings of the Commission, all orders issued by the Commission, and shall have the power to administer oaths in all parts of the State.

(b) **Certification or Authorization of Commission Action.** All orders and other actions of the Commission shall be certified or authenticated by the Secretary by his signature and the application of the Seal of the Commission.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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(c) **Filings and Requests for Copies.** Pleadings and other papers to be filed with the Commission shall be filed in the office of the Secretary of the Commission at Jefferson City; and requests for official information, copies of orders of the Commission or opportunity to inspect public records shall be made to the office of the Secretary.

**Rule 1.04. The General Counsel.**

(a) **Representation of the Public.** It is the duty of the General Counsel to represent the public in rate hearings before the Commission. In addition, upon request, it is his duty to give to the public and any municipality advice and opinions as to their rights under the public service commission law.

(b) **Representation of the Commission.** It is the duty of the General Counsel to represent and appear for the Commission in all actions and proceedings before the Commission, in all courts and before Federal regulatory bodies; and in general to perform all duties and services as attorney and counsel to the Commission which the Commission may reasonably require.

**Rule 1.05. Code of Ethics.** Any person who signs a pleading or brief, or enters an appearance at a hearing for another person, by such act represents that he is authorized to do so, that he is a licensed attorney at law in this State or the state of his residence and agrees to comply with the rules and regulations of the Commission.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 2. FORMAL REQUIREMENTS FOR ALL PLEADINGS  
AND BRIEFS.**

**Rule 2.01. Form and Size.** Pleadings shall be bound at the top, shall be typewritten upon paper 8-1/2 x 13 inches in size, and exhibits or appendices, except maps, annexed thereto, where practical, folded to that size. The impression shall be on one side of the paper only and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced. Briefs may be typewritten upon paper 8-1/2 x 13 inches in size, or printed upon paper 6 x 9 inches in size. Reproduction may be by any process, provided all copies are clear and permanently legible. (See Rule 2.05).

**\*Rule 2.02. Title and Number.** Pleadings, briefs and other documents shall show the title of the proceedings before the Commission and the case number assigned by the Secretary, and shall show the name and address of the attorney, if any, on the flyleaf or at the end of the document. In the event the title of a proceeding contains more than one name as applicants, defendants, respondents or intervenors, it shall be sufficient to show only the first of such names as it appears in the first document commencing the proceeding, followed by an appropriate abbreviation indicating the existence of other such parties, provided the document shall bear the case number assigned to such proceeding.

*\*Amended — effective date February 10, 1964*

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

**\*Rule 2.03. Signatures.** Any application, petition, complaint, answer, or other document or pleading shall be signed by the attorney for the party presenting the same for filing, if such party is represented by an attorney, otherwise by the party himself. Applications for temporary authority, or any other pleadings requiring verification, shall be signed and verified by affidavit under oath by the party, if an individual, by a member of a party partnership, or by an officer of a party corporation.

*\*Amended — effective date February 10, 1964*

**Rule 2.04. Copies.** Unless otherwise required by the Commission, there shall be filed with the Commission an original and 9 conformed copies of each pleading (including exhibits attached thereto), together with an additional conformed copy for each interested party upon whom a copy of such pleading must be served by the Commission.

**Rule 2.05. Amended Pleadings.** Amendments to pleadings may be offered at any time prior to submission to the Commission for decision. The Commission shall decide whether or not the offered amendment shall be allowed. Amendments offered prior to hearing shall be served on all parties and then filed with the Commission.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
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**RULE 3. COMPLAINTS AND COMMISSION INVESTIGATIONS.**

**Rule 3.01. Informal Complaints.** Informal complaints may be made by any person against any public utility, verbally or in writing, and shall be disposed of as the Commission may determine.

**Rule 3.02. Formal Complaints.**

(a) **Who May Complain.** Complaint may be made by the Commission of its own motion, or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the Commission: Provided, that no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electric, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electric, water or telephone service.

1. Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

(b) **Form and Contents.** Such complaint shall comply with Rules 2.01 through 2.05 and shall state clearly and concisely the facts, the alleged injury, and the requested relief.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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(c) **Procedure upon Filing of Complaint.** The Commission, without argument and without hearing, may dismiss such complaint for failure to state facts upon which relief can be granted or may strike irrelevant allegations therefrom. If such complaint is in substantial compliance with these rules and appears to state facts upon which relief can be granted, the Commission shall serve a copy thereof upon each respondent, together with an order requiring that the matter complained of be satisfied or that the complaint be answered within ten days after the date of such service. In particular cases, the Commission may require the filing of an answer within a shorter time.

(d) **Satisfaction of Complaint.** If the respondent desires to satisfy the complaint, he may submit to the Commission, within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to give. On the approval by the Commission of such an offer, and acceptance by complainant, no further proceedings need be taken.

(e) **Answer to Complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of shall, within the time specified in the order or such extension thereof as the Commission, for good cause shown, may grant, file an answer to the complaint. All grounds of defense, both of law and of fact, shall be raised in the answer. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

(f) **Hearing on Complaint.** When an order to satisfy a complaint or to make answer thereto has been made and the person complained of has not satisfied the cause of the complaint, the Commission will hold a hearing thereon.

**Rule 3.03. Commission Investigation.** Investigation may be made by the Commission and shall be made when requested by the public utility to be investigated.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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of the STATE OF MISSOURI.**

**RULE 4. APPLICATION GENERALLY.**

**Rule 4.01. Contents.** All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of application (see Rules 5.01 through 8.01), shall state the following:

(a) The exact legal name of each petitioner and the location of the principal place of business.

(b) The name, title, and address of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Applications seeking ex parte action or the granting of relief pending full hearing shall set forth the necessity or emergency for such requested action.

**Rule 4.02. Financial Statement.** Wherever these rules provide that a financial statement shall be attached to the application, such statement shall consist of the following:

(a) Petitioner's latest available balance sheet together with an annual income statement as of the same date.

(b) Brief description of stock authorized and outstanding together with a statement of dividends paid thereon during the five previous calendar or fiscal years, depending on applicant's accounting period.

(c) Brief description of bonded and other indebtedness.



**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 5. APPLICATION FOR CERTIFICATES OF PUBLIC  
CONVENIENCE AND NECESSITY.**

**Rule 5.01.** Applications for motor carrier authority shall comply with Rules 1 to 13 inclusive of General Order No. 33-C.

**Rule 5.02.** Applications for a certificate of public convenience and necessity by a gas, electric, water, heating, telephone, railroad or street railroad corporation shall comply with Rules 2.01 through 2.05 and 4.01. In addition, such applications shall contain the following:

- (a) Description of the area to be served.
- (b) The route of any construction involved, with a list of all utilities which such construction will cross or with which it is likely to compete.
- (c) The manner in which such construction is to be financed.
- (d) The granting of consent by franchise by city or county, when such is required, by including a certified copy of document containing such consent or franchise, or statutory affidavit of company officials that such consent has been acquired.
- (e) The facts showing that the granting of the application is required by the public convenience and necessity.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 6. APPLICATIONS FOR AUTHORITY TO CHANGE  
RATES.**

**Rule 6.01. Contents.** This rule applies to applications for authority to change any rate, fare or charge. Such applications shall comply with Rules 2.01 through 2.05, and 4.01. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto.

(a) Financial statement (see Rule 4.02), and pro forma statement giving effect to the proposed increase.

(b) A statement of the presently effective rates, fares, or charges which are proposed to be changed. Such statement need not be in tariff form.

(c) A statement of the proposed changes. Such statement need not be in tariff form, but shall set forth the proposed rate structure with reasonable clarity.

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**RULE 7. APPLICATIONS TO ISSUE SECURITIES.**

**Rule 7.01. Contents.** This rule applies to applications by others than motor carriers for authority to issue stock certificates, bonds, notes, and other evidences of indebtedness, payable at periods of more than twelve months after the date thereof. Such applications shall comply with Rules 2.01 through 2.05 and 4.01. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) Financial Statement (see Rule 4.02), including the adjustments showing the results of the issuance of the proposed securities.

(b) A brief description of the securities which petitioner desires to issue.

(c) A statement of the purposes for which the securities are to be issued.

(d) Copies of executed instruments defining the terms of the proposed securities, unless the same have been previously filed with the Commission, in which event reference shall be made to the proceeding in which they have been filed. If such instruments have not been executed at the time of filing, then a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed shall be set forth.

(e) Certified copy of resolutions of the directors authorizing the issue of the desired security.

(f) Other pertinent facts. The filing of additional information may be required in particular cases.

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**RULE 8. APPLICATIONS TO ACQUIRE STOCK OF ANOTHER  
PUBLIC UTILITY, TO DISPOSE OF OR ENCUMBER  
UTILITY PROPERTY OR TO MERGE AND CON-  
SOLIDATE PUBLIC UTILITY CORPORATIONS.**

**Rule 8.01. Contents.** This rule applies to applications for authority to acquire any of the stock of another public utility, to sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of any utility properties necessary or useful in the performance of duties to the public, or any franchise or permit, or any right thereunder, or any merger or consolidation with any other public utility.

Such applications shall comply with Rules 2.01 through 2.05 and 4.01, and shall be signed by all parties which are public utilities. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

- (a) Financial statement for each petitioner. (See Rule 4.02).
- (b) A brief statement of the character of business performed and the territory served by each petitioner.
- (c) A brief description of the property involved in the transaction, including any franchises, permits, or operative rights.
- (d) Reasons upon the part of each petitioner for entering into the proposed transaction and all facts warranting the same.
- (e) Copy of proposed deed, bill of sale, lease, mortgage, or other encumbrance, and contract or agreement therefor, if any, and a copy of each plan or agreement for purchase, merger or consolidation.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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(f) If a merger or consolidation, a pro forma balance sheet and income statement, giving effect thereto.

(g) Certified copy of resolution of the board of directors of each applicant authorizing the proposed action.

(h) Other pertinent facts. The filing of additional information may be required in particular cases.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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of the STATE OF MISSOURI.**

**RULE 9. OTHER APPLICATIONS.**

**Rule 9.01. Generally.** Applications and pleadings relating to matters not specifically mentioned in these rules shall comply with Rules 2.01 through 2.05 and 4.01. Inquiries are to be directed to the Secretary of the Commission.

**Rule 9.02. Applications for Extension of Effective Date of or Time to Comply with Decisions or Orders of the Commission.** Such applications shall set forth specifically the reasons for the requested extension, and an original and nine copies shall be filed.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 10. FILING, DOCKET, AND HEARING CALENDAR.**

**Rule 10.01. Filing.** Pleadings, briefs and other documents shall be filed with the Secretary of the Commission. A date for hearing shall be set by the Commission after it determines that the issues are defined by the pleadings filed. Requests for hearing date should be addressed to the Secretary. Reasons should be stated for a requested hearing date of less than fifteen days from the time of the request.

**Rule 10.02. Rejections of Filings.** Pleadings, briefs or documents which are not in substantial compliance with these rules, Commission orders, or applicable statutes, will not be filed. The Secretary may return such papers with an indication of the deficiencies therein and the reasons for not filing same; or, in the event that a pleading omits information required by these rules, may require the filing of an amendment containing such information. Tendered filings which have been rejected shall not be entered on the Commission's docket. The mere fact of filing shall not waive any failure to comply with these rules, and the Commission may require amendment of a pleading, or entertain appropriate motions in connection therewith.

**Rule 10.03. Docket.** The Secretary's office shall maintain a docket of all proceedings, and each proceeding shall be assigned an appropriate case number. Such docket shall be available for public inspection during office hours.

**Rule 10.04. Hearing Calendar.** The Secretary shall cause to be maintained a record of proceedings filed and proceedings set for hearing, which shall be available for public inspection at the office of the Secretary in Jefferson City.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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of the STATE OF MISSOURI.**

**RULE 11. PREHEARING PROCEDURE AND EXCHANGE OF  
EXHIBITS.**

**Rule 11.01. Prehearing Conference.** The Chairman or presiding officer may hold prehearing conferences for the purpose of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of the number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceeding.



**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 12. HEARINGS.**

**Rule 12.01. Notice.**

(a) **Time and Place.** Notice of the day, hour and place of hearing shall be served at least ten days prior to the time set therefor, unless the Commission shall find that public necessity requires the hearing be held on shorter notice.

(b) **How Served.** Notice of hearing shall be served by mail by the Secretary. A copy shall be mailed to each party designated as applicant, complainant, protestant, respondent or intervener. In addition, in all matters which the Commission believes to be of general interest to the citizens of a particular community, a copy of the Notice of Hearing shall be mailed by the Secretary to the mayor, the postmaster, or the president of the chamber of commerce, or all three, and to the publisher of a local newspaper, if such there be.

(1). **Publication of Notice.** Whenever it is advisable, in the opinion of the Commission, to order publication of the Notice of Hearing in one or more newspapers, the cost of such shall be borne by the applicant. In such case the Commission shall specify the length of time of publication.

**\*Rule 12.011. Notice register of motor carrier cases.**

(a) Notice in motor carrier cases shall be given in a register to be published monthly and mailed to all interested motor carriers and rail carriers at least 30 days prior to the hearing date. Such notice shall include a statement outlining the authority being sought in each application. Such statement shall include the name of the applicant, the origin and destination of the requested authority, the nature of the commodity, and such other information as the Commission shall deem relevant.

(b) Any party desiring a copy of the application in any motor carrier case may receive same upon request to the Secretary of the Commission.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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of the STATE OF MISSOURI.**

**Rule 12.02. Intervention.**

(a) **Application for Intervention.** Applications to intervene in and become a party to a proceeding shall comply with Rules 2.01 through 2.05 and shall be filed at least ten days before the proceeding is called for hearing, except for good cause shown. Such applications shall set forth the grounds of the proposed intervention, the position and interest of the intervener in the proceeding, and whether intervener's position is in support of or opposed to the relief sought.

(b) **Commission Policy on Intervention.** Applications for intervention may be granted or denied at the discretion of the Commission. It shall be the general policy of the Commission to grant such application where the petitioner shows that:

- (1) The intervener has an interest in the proceeding different from that of the general public; or
- (2) The proposed intervention would serve the public interest; or
- (3) The intervener is a municipality or other body politic.

**Rule 12.03. Participation Without Intervention.** The Commission may permit participation without intervention.

**Rule 12.04. Consolidation.** Proceedings involving related questions of law or fact may be consolidated.

**Rule 12.05. Order of Procedure.** Unless otherwise directed by the presiding officer, the order of procedure in hearings before the Commission will be as follows:

(a) **Generally.** In all proceedings, except investigation proceedings, petitioners shall open and close. Interveners shall follow the parties, if any, on whose behalf the intervention is made. In rate cases, the Commission's counsel shall have first cross-examination.

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(b) **Investigation Proceedings.** In investigation proceedings, the Commission's counsel shall open and close.

**Rule 12.06. Limiting Number of Witnesses.** To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony on a particular issue.

**\*Rule 12.07. Who May Practice Before The Commission.** Only those persons who are licensed attorneys in the State of Missouri, or persons licensed as attorneys in other states as hereinafter set out, shall be permitted to practice before this Commission. Nonresident attorneys, not members of the Bar of Missouri, shall be permitted to practice before this Commission under the same rules, regulations and limitations as an attorney in good standing in Missouri would be permitted to practice before the corresponding commission, board, official, or other body of the state of residence of such nonresident attorney. An individual who is a party may act as his own attorney.

*\*Amended - effective date April 10, 1962*

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULE 13. SUBPOENAS.**

**Rule 13.01. Requests for Subpoenas.** Requests for the issuance of subpoenas, requiring the attendance of a witness for the purpose of taking oral testimony before the Commission, shall be in writing and may be by letter or wire.

**Rule 13.02. Subpoenas Duces Tecum.** Requests for the issuance of subpoenas for the production of documents or records shall be in writing; shall specify the particular document or record, or part thereof, desired to be produced; and shall state the reasons why the production thereof is believed to be material and relevant to the issues involved.

**Rule 13.03. Who May Issue.** Subpoenas may be issued by the Commission or any Commissioner, and shall be signed by a Commissioner or the Secretary. No subpoena shall issue unless applicant therefor establishes that he has a proper relation to the matter, and gives the name and address of the desired witness. Signed and sealed blank subpoenas will not be issued to anyone. The name and address of the witness shall be inserted in the original subpoena, a copy of which shall be filed in the proceeding. Subpoenas shall show at whose instance the subpoena is issued.

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**RULE 14. PRESIDING OFFICERS.**

**Rule 14.01. Designation.** When evidence is to be taken in a proceeding before the Commission, any member of the Commission or any examiner designated by the Commission may preside at the hearing.

**Rule 14.02. Authority.** The presiding officer shall control the course of hearings; administer oaths; order subpoenas issued; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear argument; and fix the time for the filing of briefs. He may take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission.

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**RULE 15. EVIDENCE.**

**Rule 15.01. Form and Admissibility.** The Commission follows in general the practice in the circuit courts of this State and the common law rules on admissibility of evidence as interpreted by the courts of this State, except that the Commission may permit the introduction of hearsay evidence when, in its opinion, the circumstances require.

**Rule 15.02. Rulings.** The presiding officer shall rule on the admissibility of all evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination during the progress of the hearing.

**Rule 15.03. Objections and Exceptions.** When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.

**Rule 15.04. Offer of Proof.** Where a party wishes to make an offer of proof for the record, such offer shall consist of a statement of the substance of the evidence to the admission of which objection has been sustained.

**Rule 15.05. Prepared Testimony.** With the approval of the presiding officer, a witness may read into the record his testimony on direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies thereof to the presiding officer, the reporter, and counsel for

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all parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result without prejudice to any party, prepared testimony may be copied into the record without having the witness read it aloud.

**Rule 15.06. Documentary Evidence.** If relevant and material matter offered in evidence is embraced in a document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence, but at the discretion of the presiding officer, the relevant and material matter may be read into the record or copies thereof received as an exhibit. Other parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.

**Rule 15.07. Stipulation.** The parties may file a stipulation as to the facts, in which event the same shall be numbered and used at the hearing. Such procedure is desirable wherever practicable. Such stipulation shall not preclude the offering of additional evidence by any party or by the Commission's staff.

**Rule 15.08. Exhibits.** Exhibits shall be legible and wherever practicable shall be either prepared on paper not exceeding 8½ x 13 inches in size, or bound or folded to that approximate size. Wherever practicable, the sheets of each exhibit should be numbered, and rate comparisons and other figures shall be set forth in tabular form.

**Rule 15.09. Marking of Exhibits.** Exhibits shall be marked as follows:

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(1) Applicant's Exhibits will be numbered consecutively in the order of introduction as follows:

Applicant's Exhibit 1  
Applicant's Exhibit 2  
——— etc. ———

(2) Respondent's Exhibits will be lettered alphabetically in the order of introduction (with the name of each respondent, if more than one, following the word "respondent") as follows:

Respondent's Exhibit A  
Respondent's Exhibit B  
——— etc. ———

(3) The Commission's Staff Exhibits will be marked numerically in the order of introduction as follows:

Staff Exhibit 1  
Staff Exhibit 2  
——— etc. ——

(4) Intervener's Exhibit will be marked alphabetically in the order of introduction (with the name of each intervener, if more than one, following the word "intervener") as follows:

Intervener's Exhibit A  
Intervener's Exhibit B  
——— etc. ——

**Rule 15.10. Copies of Exhibits.** When exhibits are offered in evidence, the original and two copies shall be furnished to the reporter, and the party offering exhibits should also be prepared to furnish a copy for each Commissioner or Examiner sitting, each



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party and the staff, unless such copies have previously been so furnished or the presiding officer directs otherwise.

**Rule 15.11. Commission Records.** If any matter contained in a document on file as a public record with the Commission is offered in evidence, such document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of such document are specifically identified and otherwise competent, relevant and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy thereof shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

**Rule 15.12. Official Notice of Facts.** Official notice may be taken of such matters as may be judicially noticed by the courts of the State of Missouri.

**Rule 15.13. Additional Evidence.** At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission, reserving exhibit numbers therefor.

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**RULE 16. BRIEFS AND ORAL ARGUMENTS.**

**Rule 16.01. Briefs.** The presiding officer shall fix the time for the filing of briefs, if counsel for any party requests permission to file a brief.

**Rule 16.02. Oral Argument.** The presiding officer shall fix the time for the presentation of oral argument, if counsel for any party requests such setting.

**Rule 16.03. Waiver of Right to File Brief or Orally Argue.** Failure to request, at the close of the testimony, the fixing of time for filing briefs or for oral argument shall waive the right to subsequently file a brief or present oral argument.

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**RULE 17. DECISIONS.**

**Rule 17.01. Issuance of Reports and Orders.** A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer. The Commission's formal decisions and orders shall be issued and filed as soon as practicable after proceedings have been submitted.

**Rule 17.02. Service of Reports and Orders.** Decisions and orders shall be served by the Secretary's office by mailing certified copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a certified copy thereof. When a party to a proceeding has appeared by a representative, service upon such representative shall be deemed to be service upon the party.

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**RULE 18. REOPENING PROCEEDINGS.**

**Rule 18.01. Petition to set aside Submission.** After conclusion of a hearing, but before issuance of a decision, a party to the proceeding may serve on all other parties, and file with the Commission, a petition to set aside submission and reopen the proceeding for the taking of additional evidence. Such petition shall specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced.

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**RULE 19. REHEARINGS.**

**Rule 19.01. Motions for Rehearing.** Motions for rehearing of a decision or order shall be filed before the effective date of the decision or order. Such motion shall set forth specifically the grounds on which petitioner considers the decision or order to be unlawful or erroneous.

**Rule 19.02. Effect of Filing.** Mere filing of a motion for rehearing shall not excuse compliance with a decision or order.

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**RULE 20. RULES.**

**Rule 20.01. Construction and Amendment.** These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. Rules may be amended at any time by the Commission.

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**RULE 21. FORMS.**

**Rule 21.01. Forms.** The following forms of an application, a complaint, and an answer are merely illustrative as to general form. The content of particular pleadings will vary depending upon the subject matter and applicable procedural rules.

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**No. 1. Application.**

(See Rules 2, 4, 5, 6, 7, 8, 9 and 12.02)

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

In the Matter of the Application of  
The Ozark Transit Company for  
permission and authority to estab-  
lish new rates of passenger fares.

CASE NO.....

**APPLICATION**

Comes now The Ozark Transit Company, (hereinafter referred to as "Applicant), and in support of its application for permission and authority to establish new rates of passenger fares respectfully represents and states:

1. The company is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, is duly

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authorized to and is engaged in the business of operating a transit system by motor bus lines for local transportation within the City of Anytown, Missouri.

2. Applicant is a public utility and subject to the jurisdiction, control and regulation of the Public Service Commission of the State of Missouri, to the same extent as are other public utilities operating within this State.

3. Communications in regard to this application should be addressed to Richard C. Roe, President of the applicant company, whose address is 100 Main Street, Anytown, Missouri.

4. Applicant states that, due to changed conditions, the fare structure under which it is now operating and which was established by the order of this Commission in Public Service Commission Case No. 1000, is not now producing revenues sufficient to meet the proper and reasonable costs of the operation of the applicant's transit system, including allowances for depreciation, provision for taxes, and a reasonable return upon the value of the property actually used in public service, as a result of which the rates so prescribed and now in effect are unjust and unreasonable.

5. Applicant states that upon September 1, 1953, as a result of negotiations with representatives of its employees, it entered into an agreement concerning wages to be paid to its employees for a period of three years beginning September 1, 1953, as a result of which applicant became obligated to increase all wages to all employees in an amount of 10¢ per hour beginning September 1, 1953, and an additional 5¢ per hour beginning January 1, 1954. As a result of such agreement the annual cost of the operation of applicant's transit system has been increased an estimated \$200,000.00 on an annual basis beginning with the calendar year 1954.

6. In addition to the increased operating costs hereinbefore described, applicant has purchased new buses and retired old equip-



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ment from its plant account, resulting in a net increase in the original cost less depreciation of its property devoted to public service in the amount of \$300,000.00.

7. Applicant states that due to the material increased cost of operation and the increased net rate base the amount available for return for the current year ending December 21, 1953, under present fares will result in less than a 4 per cent rate of return on said net original cost rate base; and for a projected 12-month period beginning January 1, 1954, will result in less than a 3 per cent rate of return on said net original cost rate base.

8. Applicant states that it proposes to establish the fares set out in the schedule hereto annexed and made a part hereof, marked Exhibit 1, in order to provide the additional revenue required to produce a fair and reasonable rate of return upon the value of its property devoted to public service, and estimates that the increases resulting from the estimated additional revenue from such proposed fares will result, on an annual basis, in a return of approximately 6 per cent on said net original cost rate base; and alleges that such return will not be an excessive or unreasonable rate of return but will be within the limits of the allowable return required by law.

9. Applicant prays that the Commission notify interested parties, set this case for hearing and after hearing authorize and establish the fares herein requested and permit the immediate filing of tariffs specifying the rates of fare so approved, and grant to applicant such other and further relief as to it may seem meet and proper.

The Ozark Transit Company

By **Richard C. Roe,**  
President

**John C. Doe,**  
Attorney for Applicant



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of the STATE OF MISSOURI.**

**No. 2. Complaint**

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

John A. Jones, Complainant, }  
vs. } CASE NO.....  
Anytown Telephone }  
Company, a Corporation, Respondent. }

**COMPLAINT**

The complaint of John A. Jones, Elmer Barton, James Brown, William Smith and Andrew Johnson, all residing on R.F.D. No. 1, Anytown, Missouri, respectfully shows that:

1. Respondent is Anytown Telephone Company, a corporation, operating a telephone utility at Anytown, Missouri, and under the jurisdiction of the Public Service Commission of the State of Missouri.

2. Complainant, John A. Jones, for himself and for others named hereinabove, heretofore on or about the first day of July, 1951, applied to respondent for telephone service at his residence located on R.F.D. No. 1, Anytown, Missouri; said residence being located within the service area of the Anytown Telephone Company, as shown by its exchange area map on file with this Commission, and was at that time advised by respondent that respondent did not have a telephone line within the immediate vicinity of complainant's home (and the others named hereinabove), but that under respondent's construction program, as then planned, it was estimated that complainant might receive service within 6 to 9 months thereafter.

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3. Complainant states that on or about March 1, 1952, he applied to respondent at its office in Anytown, Missouri, for telephone service at his residence, and was again advised that no line had yet been constructed in his locality and that it would be a number of months until such could be done.

4. Complainant states that on or about October 1, 1952, he again went to the office of respondent in Anytown, Missouri, and made inquiry as to the possibility of telephone service, and was informed that if as many as five customers existed within his immediate neighborhood who desired service the respondent could and would build a line to serve such five customers, providing such customers deposited with respondent the necessary sum above the amount which the company would expend for said customers under its extension rule on file with this Commission and based on an estimated cost of construction. That thereafter and during October, 1952, complainant received a letter from respondent setting forth the estimated cost of construction and advising that each of such five prospective customers would be required to deposit \$50.00 with respondent, or a total of \$250.00, as the excess of cost of construction under its extension rules.

5. Complainant states that thereafter he secured the signatures of the four other complainants named herein, along with his own, on said letter and returned on or about November 1, 1952 to the office of respondent, and inquired as to when construction might be completed and service begun, and was informed by respondent that construction probably would be completed about February 1, 1953. Complainant offered to deposit the specified sum of \$250.00 for said five prospective customers including complainant, but respondent said the deposit was not then required or that they were not then ready to receive it.

6. Complainant states that respondent still has not been willing to receive the proffered deposit of \$250.00, has not yet begun construction of any telephone line to serve himself and the other

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four complainants joining with him, that they are without telephone service and are all in need of same, and that he has exhausted the possibility of securing service by requests directed to respondent.

WHEREFORE, Complainant for himself and the other four named herein, requests an order of this Commission requiring respondent to immediately construct a telephone line from its present system to furnish service to the residences of all five named herein desiring service, based on respondent's estimated cost of construction and the deposit by complainants with respondent of the sum of \$250.00 as heretofore specified by respondent to be the necessary deposit in accordance with its extension rule.

**John A. Jones,**  
Complainant

**W. W. Green,**  
Attorney for Complainant

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of the STATE OF MISSOURI.**

**No. 3. Answer**

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

John A. Jones, Complainant,  
vs.  
Anytown Telephone  
Company, a Corporation, Respondent. } CASE. NO.....

**ANSWER TO COMPLAINT**

Comes now the Anytown Telephone Company, a corporation, and in answer to the complaint in the above entitled case states as follows:

1. That inquiry by complainant for himself and others concerning telephone service on County Road "A" near Anytown, Missouri, was made to respondent some time ago, and that the estimated cost of construction and service under the rules, regulations and rates on file by respondent with this Commission were outlined to complainant.

2. That because a number of construction projects having precedence over the County Road "A" project are now in progress but unfinished, and because of any unforeseen increase in the required amount of construction and alteration of facilities of respondent within its initial rate area, and because of a strike of employees of respondent during part of the month of August, 1953, respondent cannot now state when it can begin construction of the telephone

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line on County Road "A" which would provide service to complainant and the others listed by him in the complaint in this case.

3. That according to the best information and belief of respondent one or more of the parties listed in said complaint as desiring service from respondent may live outside the exchange area of the respondent as revealed by its exchange area map on file with this Commission.

4. That as soon as other construction projects are completed it will give consideration to the request of the complainant and such others in the same locality on County Road "A" within the exchange area served by respondent, and thereafter proceed to extend its lines to render service to such parties under its extension rule on file with this Commission.

WHEREFORE, having fully answered the complaint filed herein, Anytown Telephone Company prays the Commission to enter an order dismissing the complaint herein and to permit respondent to proceed as outlined in this answer.

.....  
President, Anytown Telephone Company

.....  
Attorney for Respondent