

rate cases. The Commission's schedule will not have testimony filed before the settlement conference, but will allow three rounds of prefiled testimony. Historically, much of the prefiled testimony in a rate case pertains to issues that are later settled – rendering the prefiled testimony irrelevant. But because it has been filed in the case, it is a part of the record that must be preserved and transmitted to a reviewing court even though all involved recognize that it is no longer relevant to any matter in controversy. This is an inherently inefficient system, and most parties recognize the inefficiencies although they are not yet ready to commit to change it.

Because much of the evidence will have been filed before the hearing, the Commission will require pretrial briefs that address all the issues in dispute and all the relevant prefiled testimony. Since the pretrial briefs will cover most of the record, post-trial briefs will not need to very lengthy, and will be limited to ten pages in length. Post-trial briefs will generally just need to update the pretrial briefs for new evidence adduced at the hearing. The Commission will expedite the production of the transcript of the hearing, and will require the filing of post-trial briefs within about ten days of the filing of the transcript. The Commission will also schedule closing arguments at the end of the hearing.

The following conditions will apply:

(A) The Commission will require the pre-filing of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of pre-filing testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(C) All parties are required to 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 should bring, in addition to a copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established:

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| Updated Company Workpapers | June 3, 2005 |
| Technical Conference | June 15-17, 2005 |
| Parties Exchange Revenue Requirement Recommendations | July 6, 2005 |
| Parties Exchange Rate Design Recommendations | July 13, 2005 |
| Settlement Conference | July 18-22, 2005 |
| Direct Testimony | August 12, 2005 |
| Rebuttal Testimony | August 30, 2005 |
| Surrebuttal Testimony | September 16, 2005 |
| Pretrial Briefs | September 28, 2005 |
| Evidentiary Hearing | October 3-14, 2005 |

2. That this order shall become effective on May 22, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Mills, Deputy Chief Regulatory Law Judge