

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

In the Matter of the )  
Application of Gary Roof for )  
Change of Electric Supplier )

**File No. EO-2010-0166**

## ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: February 19, 2010

Effective Date: February 19, 2010

The Missouri Public Service Commission is adopting the proposed procedural schedule (“schedule”) that the Commission’s staff filed on all parties’ behalf.<sup>1</sup> The schedule includes an evidentiary hearing, though such hearing is subject to waiver of procedural formalities<sup>2</sup> and a decision without a hearing,<sup>3</sup> including by stipulation and agreement.<sup>4</sup> The schedule also includes a pre-hearing conference.

A pre-hearing conference's purpose and function is as follows:

(6) Parties may consider procedural and substantive matters at the prehearing conference which may aid in the disposition of the issues. Matters which require a decision may be presented to the presiding officer during the conference.

(7) Facts disclosed in the course of a prehearing conference and settlement offers are privileged and, except by agreement, shall not be used against participating parties unless fully substantiated by other evidence.<sup>[5]</sup>

At the prehearing conference, the parties shall be prepared to discuss pending motions, exchanges of information, the number and nature of witnesses and exhibits the parties intend to present at hearing, a procedural schedule, and the possibilities for settlement.

<sup>1</sup> February 18, 2010.

<sup>2</sup> Sections 536.060(3) and 536.063(3), RSMo 2000.

<sup>3</sup> Sections 536.060, RSMo 2000.

<sup>4</sup> 4 CSR 240-2.115.

<sup>5</sup> 4 CSR 240-2.090.

The Commission encourages the parties to continue their attempts to resolve disputed matters among themselves and offers mediation services for that purpose.

Therefore, the Commission will order the following schedule.

**THE COMMISSION ORDERS THAT:**

1. On March 23, 2010, beginning at 10 a.m., the regulatory law judge assigned to this case (“RLJ”) will convene a pre-hearing conference in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

2. No later than March 30, 2010, the parties shall file a joint list of issues, witnesses, and order of cross examination.

3. On April 13, 2010, beginning at 10 a.m. the regulatory law judge assigned to this case (“RLJ”) will convene an evidentiary hearing in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

4. Any party may attend the pre-hearing conference and hearing in person or by telephone.

5. Persons attending by telephone shall call:

a. For persons in Jefferson City: 526-5904; or

b. For persons outside Jefferson City: (866) 630-9352.

6. The pre-hearing conference and hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in any hearing or conference shall call the Missouri Public Service Commission’s Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the date of that event.

7. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed  
Secretary

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

Dated at Jefferson City, Missouri,  
on this 19<sup>th</sup> day of February 2010.