

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21st day of September, 2023.

The Staff of the Missouri Public Service )  
Commission, )  
Complainant, )  
v. )  
I-70 Mobile City, Inc. d/b/a I-70 Mobile City )  
Park. )  
Respondent. )

**File No. WC-2022-0295**

**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND SETTING  
DEADLINE FOR RESPONSE TO SUMMARY DETERMINATION MOTION**

Issue Date: September 21, 2023

Effective Date: September 21, 2023

On April 22, 2022, the Staff of the Missouri Public Service Commission (Staff) filed a complaint with the Commission against I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park (Respondent). An evidentiary hearing was originally set for October 18, 2022, but Staff filed a motion to suspend the procedural schedule because of issues obtaining discovery. The Commission granted that motion.

On November 23, 2022, Respondent filed a motion for summary determination. Staff filed a motion to stay the response time for that motion based upon its inability to obtain sufficient discovery to answer the summary determination motion. At that time, the Commission's order compelling entry onto land to conduct an inspection was pending before the Cole County Circuit Court in case number 22AC-CC05836. The Commission stayed the response deadline for the summary determination motion stating: "The

Commission will set a new deadline for responses after the resolution of Cole County Circuit Court case 22AC-CC05836.” On January 29, 2023, the Cole County Circuit Court entered an Order and Judgment in favor of Commission and ordered Respondent to agree upon a reasonable date for the inspection within 30 days of the effective date of the Court’s Order. The Cole County Circuit Court found Staff’s discovery requests “appropriate and reasonably calculated to lead to discovery of admissible evidence and comply with the requirements of Missouri Rule of Civil Procedure 56.01(a) and (b).” On February 17, 2023, Staff filed notice that it had scheduled March 8, 2023.

The deadline for Staff to respond to the summary determination motion was further continued on April 5, 2023, so Staff could obtain sufficient discovery to answer the summary determination motion.<sup>1</sup> On August 23, 2023, Staff informed the Regulatory Law Judge that it received sufficient discovery to answer the outstanding summary determination motion. On August 30, 2023, the Regulatory Law Judge asked Staff and Respondent if they could agree on a deadline for Staff to file a response to Respondent’s summary determination motion. Counsel for Respondent informed the Regulatory Law Judge and Staff on August 31, 2023, that she intended to file an amended motion restarting the time for Staff to file an answer. As of the date of this order no amended motion has been filed.

On September 8, 2023, Staff filed a motion to set an evidentiary hearing date. Staff’s motion states that Staff has obtained sufficient discovery to proceed. Staff asks

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<sup>1</sup> On July 12, 2023, the Commission granted Staff’s second motion to compel with modifications. Respondent was to provide answers to data requests within ten days of the effective date of the Commission’s order (July 27, 2023).

that the Commission set a three-day hearing and a deadline for it to respond to Respondent's motion for summary determination.

On September 18, 2023, Respondent filed a response to Staff's motion. The response proposes that Respondent file any motion for summary determination no later than September 22, 2023, with the Commission to hold a hearing on the motion between October 24, 2023, and November 24, 2023.

The Commission will set a date for Staff to respond to Respondent's summary determination motion. If Respondent files an amended summary determination motion, Staff will have 30 days to respond to that motion. It has been almost a year since an evidentiary hearing was originally set for this complaint. Accordingly, The Commission will set a date for an evidentiary hearing and establish a procedural schedule.

**THE COMMISSION ORDERS THAT:**

1. Staff must respond to Respondent's summary determination motion no later than September 29, 2023.

2. The following procedural schedule is established:

<b>Direct Testimony (Complainant)</b>	October 5, 2023
<b>Rebuttal Testimony (Respondent)</b>	October 25, 2023
<b>Optional Surrebuttal Testimony (Complainant)</b>	November 8, 2023
<b>List of Issues, List of Witnesses, Order of Cross-Examination, and any Time Limits</b>	November 17, 2023
<b>Position Statements</b>	November 21, 2023
<b>Evidentiary Hearing</b>	December 4-6, 2023

**Initial Briefs**

January 5, 2024

**Reply Briefs**

January 19, 2024

3. The evidentiary hearing is scheduled for December 4, 2023 through December 6, 2023, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.
4. The parties shall comply with the following additional procedural requirements:
  - A. Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.
  - B. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
  - C. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, 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.

- D. Testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- E. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position.
- F. Exhibit numbers for the hearing are assigned in the following manner:

I-70 Mobile City Park	1-99
Staff	100-199
Public Counsel	200-299

- G. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been pre-filed, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
5. This order shall be effective when issued.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier  
and Hahn CC., concur.

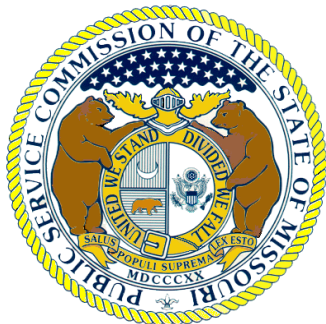
Clark, Senior Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 21<sup>st</sup> day of September, 2023.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 21, 2023**

**File/Case No. WC-2022-0295**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Nancy Dippell  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.