

Other Procedural Requests

The Parties further request that the following procedural practices be in effect during this rate case:

A. The Parties shall provide all workpapers, in electronic format, whenever feasible, within two (2) business days following the date on which the related testimony is filed.

B. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly-available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.

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. Due to the expedited timeline of this trial process, the Parties shall act as follows with respect to Data Requests:

(1) Before October 15, 2023 the response time for data requests shall be ten (10) calendar days to provide the requested information, or to object or request an extension to provide the requested information.

(2) On or after October 15, 2023, the response time for data requests shall be five (5) calendar days to provide the requested information, or to object or request an extension to provide the requested information.

(3) Data Requests sent after 4:00 PM on a Monday through Friday, at any point during a weekend, or at any point during a holiday, shall be considered sent by the Requesting Party the following business day.

E. The Parties shall comply with the following provisions regarding discovery:

(1) A party with an unresolved discovery dispute may file a motion to request a discovery conference. Discovery conferences shall be scheduled by order of the presiding regulatory law judge with one week's prior notice to all parties.

(2) If necessary, discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m. For individuals who cannot make the discovery conference in person, there will be a virtual option available through Webex.

(3) If necessary, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved two (2) days prior. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend, virtually or in person.

(4) Discovery conferences shall be on the record and shall be transcribed by a court reporter.

(5) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(6) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

(7) All data requests, subpoenas, or other discovery requests shall be issued no later than November 2, 2023. With respect to deposing a witness, so long as a notice of deposition is issued by November 2, 2023, the deposition may occur, notwithstanding that the deposition will take place after November 2, 2023, or that there could be other conditions that must be satisfied prior to the deposition.

(8) All motions to compel a response to any discovery request related to the case shall be filed no later than November 6, 2023.

(9) The Parties shall make an effort to not include confidential information in data request questions and the Parties shall make an effort not to over- designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

(10) Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, shall be served on counsel for the requesting party's employee or representative who submitted the data

request and shall be served electronically, if feasible and not voluminous as defined by Commission rule. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

F. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

G. 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, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

H. 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 that law with citations to any pre-filed testimony in support.

I. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.

J. 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 prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five (5) Commissioners, the Presiding Judge, and all counsel.

K. Exhibit numbers are assigned in the following manner:

Raytown Water Co. 1-99

Commission Staff 100-199

Office of the Public Counsel 200-299

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers.

R. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than November 14, 2023. The lists shall not be filed in the EFIS case

file. Exhibits that may be offered during cross-examination, but which have not been prefiled, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

WHEREFORE, the OPC respectfully requests the Public Service Commission (Commission) issue an order setting the above-detailed procedural schedule, and for any further orders deemed just by the Commission.

Respectfully submitted,

By: /s/ Anna Kathryn Martin
Anna Kathryn Martin (Mo Bar #72010)
Associate Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 526-1445
(573) 751-5562 FAX
anna.martin@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and or counsel of record on this 27th day of September, 2023.

/s/ Anna Martin