

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 4th day of October, 2023.

In the Matter of the Application of a Rate)
Increase of Raytown Water Company) **File No. WR-2023-0344**

**ORDER SETTING PROCEDURAL SCHEDULE
AND DELEGATING AUTHORITY**

Issue Date: October 4, 2023

Effective Date: October 4, 2023

On April 4, 2023,¹ The Raytown Water Company (Raytown or the Company) filed a letter requesting an increase in its annual overall operating revenues in a staff assisted rate case. The parties to the case are Raytown, the Staff of the Commission (Staff), and the Office of the Public Counsel (OPC) (together, “the Parties”).

On September 19, OPC requested a hearing. On September 27,² with the agreement of the Parties OPC filed a unanimous proposed procedural schedule. On October 2, OPC filed its *Amended Unanimous Proposed Procedural Schedule and Requests*. Based on the representation of counsel that all parties agree, the Commission will adopt the proposed procedural schedule with two changes. The Commission will set a time limit on opening statements proportionate to a 2-day hearing, and will also direct that the list of pre-filed exhibits be submitted to EFIS.³

¹ All dates refer to 2023 unless otherwise indicated.

² The portion of OPC’s September 19 filing setting forth a proposed procedural schedule is moot due to the September 27 superseding schedule submission.

³ See Ordered subparagraphs 3L and 3M.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

October 10, 2023	Direct Testimony – All Parties
October 24, 2023	Rebuttal Testimony - All Parties
November 1, 2023	Settlement Conference
November 8, 2023	Surrebuttal Testimony - All Parties
November 9, 2023	Last day to request discovery
November 9, 2023	List of Issues, Order of Witnesses, Order of Cross Examination, Order of Opening
November 13, 2023	Statements of Position
November 16-17, 2023	Evidentiary hearing
December 6, 2023	Initial Post Hearing Briefs
December 13, 2023	Reply Briefs

2. The Commission shall hold an evidentiary hearing on November 16-17, 2023. The hearing will begin at 10:00 a.m. on the first day. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If an accommodation is needed to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The Parties shall comply with the following procedures:

- A. The Parties shall provide all workpapers, in electronic format, whenever feasible, within two 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 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 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. Delegation of discovery dispute resolution authority regarding discovery and other discovery requirements:

(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. 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 20 CSR 4240-2.090'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 9, 2023. With respect to deposing a witness, so long as a notice of deposition is issued by November 9, 2023, the deposition may occur, notwithstanding that the deposition will take place after November 9, 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 13, 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 20 CSR 4240-2.135. 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 20 CSR 4240-2.130. 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 20 CSR 4240-2.080. 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 non-prefiled 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 Commissioners, the Presiding Judge, and all counsel.
- K. Exhibit numbers are assigned as follows:

1-99 The Raytown Water Company
100-199 Staff
200-299 OPC

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C); for example, "Exhibit 2" is public, whereas "Exhibit 2C" is the confidential version.

- L. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to EFIS no later than November 14, 2023. Exhibits that may be offered during cross-examination, but which have not been pre-filed, 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.
- M. Opening statements are set at a maximum of 15 minutes per party for a general case overview. Mini-opening statements addressing individual issues shall be no more than 10 minutes per party.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Nancy Dippell".

Nancy Dippell
Secretary

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

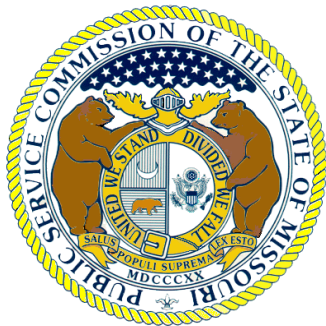
Hatcher, Senior Regulatory Law Judge

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 4th day of October, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 4, 2023

File/Case No. WR-2023-0344

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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**

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