

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Petition of Missouri-American)
Water Company for Approval to Establish an) **File No. WO-2018-0373**
Infrastructure System Replacement Surcharge) **Tariff No. YW-2019-0018**
(ISRS).)

ORDER CANCELLING PREHEARING CONFERENCE AND ADOPTING A PROCEDURAL SCHEDULE

Issue Date: November 8, 2018

Effective Date: November 8, 2018

The Commission set this matter for a prehearing conference to occur on November 15, 2018. On November 6, the parties informed the Commission they have already agreed to a procedural schedule, and have discussed settlement of various issues. Later that day, the parties filed a *Joint Proposed Procedural Schedule* and requested adoption of a described procedural schedule by the Commission. The prehearing conference scheduled for November 15, is hereby cancelled.

THE COMMISSION ORDERS THAT:

1. The prehearing conference set for November 15, 2018 is cancelled.
2. The following procedural schedule is established:

Direct Testimony - November 13, 2018

**List of Issues, Order of
Witnesses, Order of Cross-
Examination, Order of Opening - November 14, 2018**

Statements of Position - November 16, 2018

Hearing - November 20, 2018

3. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. The hearing will commence at 9:00 a.m. on November 20, 2018. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations 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.

4. The parties shall comply with the following procedural requirements:

(A) Testimony shall be pre-filed 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.

(B) 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 uncontested and not requiring resolution by the Commission.

(C) 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.

(D) 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 remaining unresolved issues that are to be decided by the Commission.

(E) If testimony or documents are pre-filed and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an

exhibit at the hearing. If not pre-filed and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each Commissioner, the Presiding Officer, and counsel for every other party.

- (F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (G) Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving those documents on counsel of record for all other parties via e-mail. To provide additional security, confidential documents are considered served when filed in EFIS and shall not be served via e-mail.
- (H) With regard to data requests:
 - i. Each party serving a data request shall send an electronic copy of the text of the "description" of that data request to counsel for each party contemporaneously with service of the data request.
 - ii. Data requests issued to or by Staff shall be submitted and responded to in EFIS if feasible. If not feasible, data requests issued to or by Staff shall be submitted and responded to in electronic format on compact disc or by other means agreed to by counsel. Additionally, if the description of a Staff-issued data request contains confidential information or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.
 - iii. 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 a copy of the response from the party answering the data request.
 - iv. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the

service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality.

v. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on 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.

- (I) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (J) Due to the statutory deadline imposed by Section 393.1006.2(3)RSMo, **the response time for all data requests will be two (2) business days with one (1) business days to object** or notify the requesting party that more than two (2) business days will be required to respond. If a data request has been responded to, a party's request for a copy of the response will be timely responded to without waiting the full response time allowed.
- (K) With regard to workpapers:
 - i. Work papers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers.
 - ii. Work papers containing confidential information shall be appropriately marked.
 - iii. If there are no work papers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
 - iv. Where work papers or data request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, the party providing the workpaper or response shall provide this type of information in the original format, if available, with formulas intact.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 8th day of November, 2018.

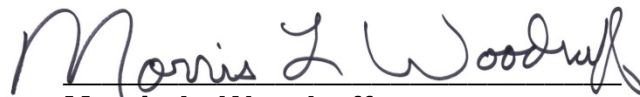
STATE OF MISSOURI

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 8th day of November 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 8, 2018

File/Case No. WO-2018-0373

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

**Missouri Public Service
Commission**

Mark Johnson
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
mark.johnson@psc.mo.gov

**Missouri-American Water
Company**

Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

**Missouri-American Water
Company**

Timothy W Luft
727 Craig Road
St. Louis, MO 63141
Timothy.Luft@amwater.com

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

Sincerely,



**Morris L. Woodruff
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.