

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

Cyndi R. Nealon,)	
)	
Complainant,)	
)	
vs.)	<u>File No. WC-2023-0273</u>
)	
Missouri-American Water Company,)	
)	
Respondent)	

**LIST OF ISSUES, ORDER OF WITNESSES, ORDER OF CROSS EXAMINATION,
ORDER OF OPENING STATEMENTS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and, after consultation with the parties, tenders the following List of Issues, Order of Witnesses, Order of Cross Examination, Order of Opening Statements. The Commission has ordered the parties to agree upon and file a list of the issues to be heard although they may not agree on how each issue should be described or on whether a listed issue is in fact a proper issue in the case.¹ Staff advises the Commission that the parties have not agreed that all of the issues listed below are in fact proper issues, or on how each is described.

LIST OF ISSUES

1. Did MAWC violate any statute, tariff, rule or order related to the water main break (“main break”) described in the Complaint²?
2. Was MAWC’s service related to the main break safe and adequate in compliance with Section 393.130, RSMo?

¹ Order Setting Procedural Schedule.

² This is the only issue MAWC believes the Commission should decide in this case. Assuming arguendo, that the Commission has jurisdiction, a complaint must be based upon a violation of a “tariff, statute, rule, order or decision.” 20 CSR 4240-2.070. It is MAWC’s position that the additional two issues raised by Staff do not fall under any of these and are not appropriate for this forum.

3. Is Rule 3 of the Company's Rules and Regulations governing the Rendering of Water Service ("Rules and Regulations") Sheet No. R 11 relevant to whether MAWC's service related to the main break was safe and adequate?

ORDER OF WITNESSES

Complainant Cyndi Nealon
 James Evans
 Daniel Gauvain

Staff David Spratt

MAWC Brian Eisenloeffel

ORDER OF CROSS EXAMINATION

The parties identified below are parties that have pre-filed testimony. A different order of cross-examination may be more appropriate for specific issues; however, the following orders of cross-examination are generally based on adversity:

Complainant Witness: Staff, MAWC
Staff Witness: Complainant, MAWC
MAWC Witness: Complainant, Staff

ORDER OF OPENING STATEMENTS

Cyndi Nealon
Staff
MAWC

WHEREFORE, Staff respectfully submits the foregoing in compliance with the Commission's orders.

Respectfully Submitted,

/s/ Paul T. Graham #30416

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CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all counsel of record on this October 24, 2023, by electronic filing in EFIS, electronic mail, hand-delivery, or U.S. postage prepaid.

Paul T. Graham