

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

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

**MOTION TO STRIKE TESTIMONY AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by the through counsel, and, for its *Motion to Strike Testimony and Motion for Expedited Treatment*, and pursuant to Commission Rule 20 CSR 4240-2.080(14), states as follows:

1. This case began on April 4, 2023. Staff and Raytown Water Company (“RWC”) filed a *Non-Unanimous Agreement Regarding Disposition of Small Utility Company Revenue Increase Request* on September 23, 2023. Subsequently, the Office of the Public Counsel (“OPC”) requested that hearing be held and a procedural schedule was established.

2. The parties filed direct testimony on October 20, 2023 and rebuttal testimony on October 24, 2023.

3. The parties filed surrebuttal testimony in this case on November 8, 2023, including the Surrebuttal Testimony of OPC witness Manzell Payne.

4. On November 9, 2023, the parties filed a joint list of issues, and on November 13, 2023, the parties filed their position statements.

5. Issue 10(c) of the *List of Issues, List and Order of Witnesses, Order of Opening, and Order of Cross-Examination* states:

Should the rate case expense follow a 50/50 sharing mechanicsm?

6. Commission Rule 20 CSR 4240—2.130(7) states as follows:

(7) For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:

(A) Direct testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief;

(B) Where all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party's direct case. A party need not file direct testimony to be able to file rebuttal testimony;

(C) Where only the moving party filed direct testimony, rebuttal testimony shall include all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party's direct case; and

(D) Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony. (emphasis added)

7. Issue 10(c) was first raised in the Surrebuttal Testimony of Manzell Payne on page 4, starting at line 10 when Mr. Payne states:

However, should, the Commission allow the inclusion of rate case expense beyond the true-up period for additional expenses, the Commission should follow its case precedent and order a 50/50 sharing mechanism of this rate case expense between rate payers and the Company.

8. The issue described above first appeared in Mr. Payne's surrebuttal testimony and is not responsive to any matter raised in another party's rebuttal testimony. Because of that timing, Staff has not been provided with an opportunity to respond to this issue. Accordingly, this testimony violates Commission Rule 20 CSR 4240-2.130(7)(D).

9. Based on Commission Rule 20 CSR 4240-2.130(7)(D), Staff moves the Commission strike the following testimony:

a. Surrebuttal Testimony of Manzell Payne, page 4, lines 10-12.

10. Should the Commission not strike Mr. Manzell's testimony, in the alternative, Staff requests to add Karen Lyons to their witness list to address this new issue at hearing.

11. Pursuant to Commission Rule 20 CSR 4240-2.080(14), Staff submits that good cause for expedited treatment exists in that the hearing in this case is scheduled for November 16 and 17, 2023, and the resolution on the matter in an expedited fashion will allow Staff the opportunity to respond to OPC's newly raised issue.

WHEREFORE, Staff respectfully requests the Commission grant this *Motion to Strike Testimony and Motion for Expedited Treatment*, and, in the alternative, allow Staff to add Karen Lyons to testify during the hearing on November 16 and 17, 2023.

Respectfully submitted,

/s/ Casi Aslin

Casi Aslin

Deputy Counsel

Missouri Bar No. 67934

Attorney for the Staff of the

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

(573) 751-8517

casi.aslin@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and or counsel of record on this 15th day of November, 2023.

/s/ Casi Aslin