

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

In the Matter of Missouri-American Water	)	
Company's Request for Authority to	)	File No. WR-2024-0320
Implement General Rate Increase for Water	)	File No. SR-2024-0321
and Sewer Service Provided in Missouri	)	
Service Areas	)	

**MECG RESPONSE TO ORDER**  
**DIRECTING PROCEDURAL SCHEDULE**

COMES NOW, the Midwest Energy Consumers Group, (“MECG”) and in response to the Commission’s *Order Directing Proposed Procedural Schedule*, states:

1. On July 30<sup>th</sup> the Commission issued an order directing parties to submit a joint proposed procedural schedule or competing procedural schedules in this case by August 5<sup>th</sup>.
2. At the pre-hearing conference held on July 22<sup>nd</sup>, MAWC and the Commission Staff presented a framework that those two parties had jointly developed. This framework included removing the opportunity for non-company parties to file surrebuttal in this case. Subsequently, the OPC relayed to parties a counter-proposal that was generally consistent with the MAWC/Staff proposal but would re-instate surrebuttal testimony with certain restrictions. On Monday, August 5<sup>th</sup> at 3:04 pm, Staff / MAWC filed a procedural schedule that was not shared with MECG prior to its filing. This new filing from Staff appears to allow non-companies to file surrebuttal responding to other non-company parties but does not give non-company parties an opportunity to respond to company criticisms of their direct case.

3. With respect to the proposed calendar dates MECG is aware of at the time of this filing, MECG has no objection.<sup>1</sup>

4. With respect to the elimination or modification of non-company Surrebuttal testimony, MECG notes that it prefers the Commission permit all parties the opportunity for Surrebuttal testimony. The Commission has the authority to conduct reviews of utility filings and order procedural schedules in the various cases that are brought. Under that framework, the Commission has promulgated the regulations on evidence at 20 CSR 4240-2.130 that include discussion of Direct, Rebuttal, and Surrebuttal testimony in processing a case. For a general rate case, as here, where the Commission conducts the broadest review of the filed application and must evaluate all relevant factors including these rounds of testimony named in the regulations is appropriate. This includes the opportunity for parties to provide surrebuttal that is “responsive to matters raised in another party’s rebuttal testimony.”<sup>2</sup> Having adopted these regulations, the Commission should generally follow them except in extraordinary cases.

5. As noted above, the OPC circulated a counter-proposal to parties in response to the MAWC/Staff proposal after the pre-hearing conference. That OPC proposal provided non-company parties the opportunity for surrebuttal testimony filed on the same date that the company files on Jan. 20<sup>th</sup> and would have allowed non-company parties filing direct to be able to respond to the company’s rebuttal on those issues. MECG understands that the OPC proposal would limit surrebuttal beyond the regulations in-effect defining surrebuttal. Just as with the MAWC / Staff proposal, the restrictions proposed by OPC on parties filing surrebuttal are not consistent with the opportunities provided within the regulations.

---

<sup>1</sup> Those dates are: non-company revenue requirement issue direct/rebuttal on Dec. 6<sup>th</sup>; non-company rate design and CCOS direct/rebuttal on Dec. 20<sup>th</sup>; Non-company parties cross-rebuttal on Jan. 10<sup>th</sup>; MAWC rebuttal testimony on Jan. 20<sup>th</sup>; and Hearing from Feb. 24 through Mar. 7<sup>th</sup>.

<sup>2</sup> See 20 CSR 4240-2.130(7)(D).

6. The Commission should adopt a procedural schedule that permits all parties to file surrebuttal consistent with the regulations in effect. In the event the Commission finds circumstances in this case merit departing from that regulation and framework, it should note those reasons.

WHEREFORE, MECG respectfully submits this Response to Order Directing Procedural Schedule.

Respectfully,

**/s/ Tim Opitz**

Tim Opitz, Mo. Bar No. 65082

Opitz Law Firm, LLC

308 E. High Street, Suite B101

Jefferson City, MO 65101

T: (573) 825-1796

[tim.opitz@opitzlawfirm.com](mailto:tim.opitz@opitzlawfirm.com)

ATTORNEY FOR MIDWEST  
ENERGY CONSUMERS GROUP

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 5<sup>th</sup> day of August 2024:

**/s/ Tim Opitz**

---