

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Mark Sievers, Chairman
 Thomas E. Wright
 Shari Feist Albrecht

In the Matter of the Application of Suburban)
Water, Inc. d/b/a Suburban Water Company,)
for Approval of the Commission to Make) Docket No. 13-SUBW-700-RTS
Certain Changes in its Rates for Water)
Service.)

**ORDER SETTING PROCEDURAL SCHEDULE AND DESIGNATING PREHEARING
OFFICER**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined the files, the Commission concludes as follows:

I. Background

1. On May 17, 2013, Suburban Water, Inc., d/b/a Suburban Water Company, filed an Application seeking Commission approval to make certain changes in its water service rates.

II. Order Setting Procedural Schedule

2. On June 21, 2013, Suburban Water, Inc. (Suburban), Commission Staff (Staff), and the Citizens' Utility Ratepayer Board (CURB) submitted a Joint Motion to Establish Procedural Schedule. After review and consideration of the proposed schedule, the Commission adopts the following procedural schedule:

| <u>Date</u> | <u>Time</u> | <u>Event</u> |
|--------------|-------------|-------------------|
| May 17, 2013 | | Application Filed |

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|--------------------|---|--|
| July 5, 2013 | | Intervention Deadline |
| July 23, 2013 | | Conference Call to Determine Disputed Issues and Procedure Going Forward |
| August 16, 2013 | 3:00 p.m. (Service) 5:00 p.m. (Filing) | Staff Report & Recommendation OR Staff & Intervenor Direct Testimony |
| August 23, 2013 | | Cross-Answering Testimony Due |
| August 30, 2013 | | Applicant's Rebuttal Testimony OR Applicant & Intervenor Responses to Staff R&R |
| September 4, 2013 | TBD | Settlement Conference (If Necessary) |
| September 6, 2013 | | Discovery Cutoff |
| September 12, 2013 | | Settlement Agreement with Supporting Testimony Due |
| September 19, 2013 | | Testimony in Opposition to Settlement Agreement |
| September 24, 2013 | | List of Contested Issues Due |
| October 1, 2013 | | Prehearing Motion Cutoff |
| October 1, 2013 | 9:00 a.m. | Prehearing Conference (If Necessary) Third Floor Hearing Room, Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604 |
| October 17, 2013 | 9:00 a.m. to 5:00 p.m. | Evidentiary Hearing (If Necessary) First Floor Hearing Room, Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604 |
| October 25, 2013 | | Applicant's Initial Post-Hearing Brief |

| | | |
|-------------------|--------------|--------------------------------------|
| November 1, 2013 | | Staff & Intervenor Responsive Briefs |
| November 8, 2013 | | Applicant's Reply Brief |
| December 11, 2013 | Open Meeting | Commission Order Due |

3. **Official Service List/Electronic Service.** The parties have consented to electronic service of all testimony, briefs, other pleadings, and orders without requiring provision of follow-up hard copies as required by K.A.R. 82-1-216(a)(6). Confidential papers will be served either electronically, if confidentiality can be maintained, or by some other secure method, such as providing information on compact disc. Testimony, briefs, and other pleadings must be served electronically by **3:00 p.m.** on the date due, without requiring service among the parties of a follow-up hard copy. However, the original and at least seven paper copies of testimony, briefs, and other pleadings must still be filed in the Commission's docket room by close of business on the date of the deadline.¹ Any electronic service of Commission or Prehearing Officer's orders without follow-up hard copies will specifically state in the electronic message serving the order that the electronic message constitutes service of the attached order and that a hard copy will not follow. Parties are directed to maintain accurate, current lists of electronic service email addresses based on information contained within the Commission's orders. Electronic service of testimony, briefs, and other pleadings shall include service on Prehearing Officer French at a.french@kcc.ks.gov.

4. Orders issued by the Commission or by the Prehearing Officer will only be served upon parties who have sought through counsel to be added to the official electronic service list,

¹ K.A.R. 82-1-215(a).

either by means of a formal petition to intervene, a formal entry of appearance, or a formal letter request filed in the docket addressed and directed to the Prehearing Officer. All parties should serve all documents according to the same official electronic service list.

III. Order Designating Prehearing Officer

5. Although the Commission will conduct any evidentiary hearing that may be necessary in this matter, the Commission designates a Prehearing Officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; rulings regarding issuance of subpoenas; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing.

6. The Commission concludes that a Prehearing Officer should be designated for this proceeding and designates Andrew French, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number 785-271-3361, email address a.french@kcc.ks.gov,

to act as Prehearing Officer in this proceeding.² The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. The Commission adopts the procedural schedule set forth in paragraph 2.
- B. The Commission approves the use of electronic service as set forth in paragraphs 3 and 4.
- C. The Commission designates Andrew French to act as Prehearing Officer in this proceeding, as described above.
- D. Parties have 15 days from the date of electronic service of this Order in which to petition the Commission for reconsideration.³
- E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Dated: JUL 03 2013

Jackie Montfoort Paige
ORDER MAILED JUL 03 2013

Jackie Montfoort Paige
Acting Executive Director

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² K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551.

³ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

JUL 03 2013

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Setting Procedural Schedule and Designating Prehearing Officer was served by electronic mail this 3rd day of July, 2013, to the following parties who have waived receipt of follow-up hard copies:

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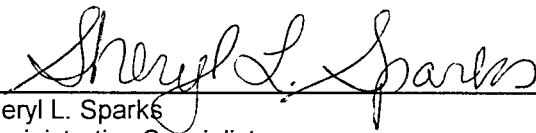
ORDER MAILED JUL 03 2013

JUL 03 2013

CERTIFICATE OF SERVICE

13-SUBW-700-RTS

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A handwritten signature in cursive script that reads "Sheryl L. Sparks". The signature is written in black ink and is positioned above a horizontal line.

Sheryl L. Sparks
Administrative Specialist

ORDER MAILED JUL 03 2013