

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the Joint Application of) REGULATORY DIVISION
Liberty Utilities Co., Liberty WWH, Inc.,)
Western Water Holdings, LLC, and Mountain) DOCKET NO. D2014.12.99
Water Company for Approval of a Sale and)
Transfer of Stock)

NOTICE OF STAFF ACTION

1. On December 15, 2014, Liberty Utilities Company filed a *Joint Application for Approval of a Sale and Transfer of Stock* with the Montana Public Service Commission ("Commission"). Joint Applicants include Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, and Mountain Water Company.

2. On December 23, 2014, the Commission issued a *Notice of Application and Intervention Deadline* and granted intervention to the City of Missoula, Mountain Water Employees, the Clark Fork Coalition, and the Montana Consumer Counsel. On February 9, 2015, the Commission issued a *Procedural Order* ("*Order 7392*") outlining deadlines for this docket.

3. On April 13, 2015, the Commission amended *Order 7392* to allow more time for intervenors to issue data requests to the Joint Applicants and more time for Joint Applicants to respond to data requests. See Notice of Staff Action p. 1 (Apr. 13, 2015).

4. Due to significant discovery disputes, the parties and the Commission have been unable to adhere to the deadlines in *Order 7392*. Commission staff held a scheduling conference with the parties to discuss amending the schedule in *Order 7392* on June 10, 2015. The Commission plans to proceed with this Docket until otherwise officially stated in a Commission order. Therefore, the Commission amends *Order 7392* without prejudice to the City of Missoula's pending *Motion to Dismiss or, in the Alternative, to Stay the Proceedings* filed on June 23, 2015. The Commission will rule on the City of Missoula's Motion in the upcoming weeks.

5. Paragraph 6 of *Order 7392* is amended to the following:
- (h) August 11, 2015: Final day for intervenor testimony.
 - (i) August 25, 2015: Final day for data requests to intervenors.
 - (j) September 2, 2015: Final day for the Commission to identify additional issues.
 - (k) September 9, 2015: Final day for intervenors to respond to data requests issued on August 25, 2015.
 - (l) September 16, 2015: Final day for Joint Applicants to file rebuttal testimony and for intervenors to file cross-intervenor response testimony.
 - (m) September 23, 2015: Final day for written discovery to Joint Applicants about their rebuttal testimony and written discovery to intervenors about cross-intervenor response testimony.
 - (n) September 30, 2015: Final day for Joint Applicant's responses to written discovery about its rebuttal testimony and intervenors' responses to written discovery about cross-intervenor response testimony.
 - (o) October 7, 2015: Deadline for pre-hearing memorandum.
 - (p) October 19-20, 2015: Hearing.

See Or. 7392 ¶ 6 (Feb. 9, 2015). All other provisions of *Order 7392* remain “effective unless [again] modified by the Commission or staff.” *Id.*

DONE AND DATED this 29th day of June, 2015, by delegation to Commission staff as an Order of the Commission.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BRAD JOHNSON, Chairman
TRAVIS KAVULLA, Vice Chairman
KIRK BUSHMAN, Commissioner
ROGER KOOPMAN, Commissioner
BOB LAKE, Commissioner