Service Date: May 16, 1996

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

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IN THE MATTER of the Application of MOUNTAIN WATER COMPANY for Authority to Increase Rates and Charges for Water Service to its Missoula Division	))))	UTILITY DIVISION DOCKET NO. D96.4.61 ORDER NO. 5910b

PROCEDURAL ORDER AMENDMENT

1. On April 29, 1996 the Montana Public Service Commission (Commission) issued Procedural Order, Order No. 5910 in Mountain Water Company Docket No. D96.4.61. The Procedural Order sets forth the schedule and procedural requirements for the contested case on Mountain Water's application for a rate increase for its Missoula Division.

2. On May 3, 1996 Mountain Water filed a Motion for Reconsideration of Order No. 5910, proposing that the Procedural Order should not require routine service of discovery responses on all parties. Mountain Water proposed deleting "discovery responses" from the first sentence of ¶ 5 and adding the following two sentences at the end of ¶ 5.

> Responses to discovery will be served upon the party propounding the discovery, the Commission, and the Montana Consumer Counsel, if requested by that office. Any other party may, for good cause shown, request a copy of another party's response to discovery.

3. The Commission has established a general policy that service of discovery responses on all parties in a contested case should not be mandatory. In some prior procedural orders, the Commission has inserted this language: "The parties may limit service of discovery responses to service on the party making the discovery request, the Commission, and parties specifically requesting service of discovery responses." At its duly noticed work session on May 15, 1996, the Commission determined that this language, modified to require service of all discovery responses on the Montana Consumer Counsel, should be inserted in the Procedural Order in lieu of that proposed by Mountain Water.

ORDER

WHEREFORE, the Commission amends Procedural Order No. 5910, ¶ 5, as follows:

Service and Filing

5. Copies of all notices, pleadings, motions, discovery requests, discovery responses, prefiled testimony, and briefs shall be filed with the Commission and served on all parties (Mountain Water and all intervenors). (**Add**:) ***Upon filing and serving notice, the parties may limit service of discovery responses only to service on the party making the discovery request, the Commission, the Consumer Counsel and other parties specifically requesting service of discovery responses. The party responding to the discovery must file a notice that it intends to limit service of the responses, and parties desiring the responses must file a notice specifically requesting the responses.*** Parties shall file with the Commission an original and ten copies of motions, testimony, briefs and documents directed to the Commission. Service upon the parties shall be upon each party's attorney of record, if applicable, and such other individuals as may be reasonably designated by the attorney of record.

The remainder of the provisions in Procedural Order No. 5910 are in full force and effect.

Done and Dated this 15th day of May, 1996 by a vote of 5 - 0.

BY THE MONTANA PUBLIC SERVICE COMMISSION

NANCY MCCAFFREE, Chair
DAVE FISHER, Vice Chair
BOB ANDERSON, Commissioner
DANNY OBERG, Commissioner
BOB ROWE, Commissioner