

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>MR. AND MRS. GREGORY SWECKER,</p> <p style="padding-left: 100px;">Complainants,</p> <p style="padding-left: 100px;">vs.</p> <p>MIDLAND POWER COOPERATIVE,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-99-3 (C-99-76)</p>
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ORDER GRANTING MOTION FOR SURREBUTTAL TESTIMONY

(Issued September 15, 1999)

On August 30, 1999, Midland Power Cooperative (Midland) filed a motion that it be allowed to file surrebuttal testimony. Midland requests that it be allowed to file such testimony within seven days of the filing of the Swecker's and the OCA's prepared rebuttal testimony, which is due on September 20, 1999. The OCA filed a response to Midland's motion on September 2, 1999. The OCA's position is that the grant of Midland's request should be conditioned on allowing the OCA and the Sweckers the opportunity to file a response to any new issues and arguments presented in Midland's surrebuttal testimony within seven days of Midland's filing. On September 7, 1999, Mr. Swecker filed an objection to Midland's motion. Mr. Swecker's position is that the motion should be denied.

The order by which prepared testimony is being filed in this case is somewhat unusual. It serves no purpose to assign fault for this to any party. Granting the motion, and allowing the OCA and the Sweckers the opportunity to respond to new issues and arguments, would assist in the development of a full and complete record. Therefore, it is appropriate that the motion be granted, and that Midland, the OCA, and the Sweckers be allowed to file additional prepared testimony.

IT IS THEREFORE ORDERED:

1. Midland's motion is granted, and Midland has until September 27, 1999 to file its surrebuttal testimony and associated exhibits, if any.
2. The OCA and the Sweckers have until October 4, 1999 to file prepared testimony and associated exhibits, if any, which respond to any new issues or arguments presented in Midland's surrebuttal testimony.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

Dated at Des Moines, Iowa this 15th day of September, 1999.