

PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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| ROB LEE, |) | |
| |) | |
| Complainant, |) | |
| vs. |) | Case No. WC-2009-0277 |
| |) | |
| MISSOURI-AMERICAN WATER CO., |) | |
| |) | |
| Respondent. |) | |

**RESPONDENT'S RESPONSE TO COMPLAINANT'S
MOTION TO SEGREGATE COMPLAINT WC-2009-0277
AND ST. LOUIS COUNTY CIVIL CASE #08SL-CC01242**

COMES NOW, Respondent, Missouri-American Water Co. (hereinafter "MAWC"), by and through its counsel, HeplerBroom LLC, and for its Response to Complainant's Motion to Segregate Complaint WC-2009-0277 (hereinafter "the PSC action") and St. Louis County Civil Case #08SL-CC01242 (hereinafter "the civil suit"), states as follows:

1. MAWC has only made reference to the civil suit in the PSC action in its Affirmative Defense to the Complaint, which has been denied, and in its responses to Complainant's Data Requests.
2. While MAWC maintains its belief that the two actions constitute a single cause of action, it recognizes such issue will need to be taken up on appeal, if necessary.
3. However, MAWC maintains its position that it should not be required to produce to Complainant documents and information that have been previously produced to his attorney in the civil suit. Complainant is more than capable of obtaining such

records and information from his own attorney at his own costs. MAWC should not incur duplicative costs associated with re-producing said records that have already been produced.

WHEREFORE, MAWC prays this Court denies Complainant's Motion and for any other relief it deems just and proper.

HEPLERBROOM, LLC

By: /s/ Matthew H. Noce

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Attorneys for Respondent

PROOF OF SERVICE

I hereby certify that I electronically filed on this 15th day of May, 2009, the foregoing with the Missouri Public Service Commission using the ESIF system which will send notification of such filing to the following:

- Missouri Public Service Commission General Counsel Office (GenCounsel@psc.mo.gov)
- Office of the Public Counsel Mills Lewis (opcservice@ded.mo.gov)
- Missouri Public Service Commission Ritchie Samuel (Samuel.Ritchie@psc.mo.gov)
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