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June 22, 2004

**FILED**

**JUN 22 2004**

**Missouri Public  
Service Commission**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

RE: *In the Matter of the Coordinated Effort Concerning Missouri-American Water  
Company's Facilities Located in Its Jefferson City District*

Mr. Roberts:

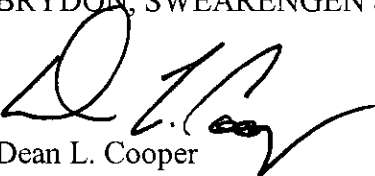
Enclosed for filing in the above-referenced matter are the original and eight (8) copies of the Joint Application to Open Case and Motion for Protective Order of Missouri-American Water Company and the City of Jefferson.

Thank you for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
Dean L. Cooper

DLC/jar  
Enclosures  
cc: Dana K. Joyce  
Office of the Public Counsel

FILED

BEFORE THE PUBLIC SERVICE COMMISSION JUN 22 2004  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Coordinated Effort )  
Concerning Missouri-American Water Company's )  
Facilities Located in Its Jefferson City District. )

Case No. \_\_\_\_\_

**JOINT APPLICATION TO OPEN CASE**  
**AND MOTION FOR PROTECTIVE ORDER**

COME NOW Missouri-American Water Company ("MAWC") and the City of Jefferson ("Jefferson City"), and, state the following to the Missouri Public Service Commission ("Commission") as their Joint Application to Open Case and Motion for Protective Order:

**APPLICANTS**

1. MAWC is a Missouri corporation with its principal office and place of business at 535 N. New Ballas Road, St. Louis, Missouri, 63141. MAWC is a Missouri corporation in good standing. A Certificate of Good Standing from the Office of the Missouri Secretary of State was filed in Commission Case No. WM-2001-309 and is hereby incorporated by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(G).

2. MAWC currently provides water service to the public in and around the cities of St. Joseph, Joplin, Brunswick, Mexico, Warrensburg, Parkville, Riverside, Jefferson City, and parts of St. Charles and Platte Counties Missouri, and most all of St. Louis County, Missouri. MAWC currently provides water service to approximately 445,000 customers. MAWC provides sewer service to approximately 100 customers near Parkville, Missouri. MAWC is a "water corporation," a "sewer corporation" and a "public utility" as those terms are defined in Section 386.020 RSMo. 2000, and is subject to the jurisdiction and supervision of the Commission as provided by law.

3. MAWC currently has a general rate case pending appeal (WR-2000-281). MAWC has no other pending action or final unsatisfied judgment or decision against it from any state or

federal agency or court involving customer service or rates and having occurred within three years of the date hereof. MAWC has no overdue Commission annual reports or assessment fees.

4. Jefferson City is a municipality of the State of Missouri.

5. On behalf of MAWC and Jefferson City, communications in regard to this Application should be addressed to the parties' counsel.

### **BACKGROUND**

6. Within the context of Commission Case No. WR-2003-0500, MAWC, Jefferson City and the Commission Staff executed a Stipulation and Agreement as to Jefferson City Fire Suppression Issues (the "Stipulation"). The Stipulation was filed with the Commission on March 4, 2004.

7. This Stipulation required the parties to convene in a coordinated effort to study certain MAWC facilities located in the Jefferson City District, as they relate to fire suppression. No later than twelve months after the effective date of the Report and Order in Case No. WR-2003-0500 (April 16, 2004), the parties are to jointly prepare and submit to the Commission, or, in the event a joint report is impractical, each separately prepare and submit, a report describing the results of the study including recommendations, if any, regarding the maintenance, improvement, or replacement of the facilities studied.

8. On April 6, 2004, the Commission issued its Order Approving Stipulations and Agreements in Case No. WR-2004-0500, which, included approval of the referenced Stipulation.

### **REQUEST TO OPEN CASE AND MOTION**

9. Since the approval of the Stipulation, the parties have had their first meeting related to this effort. It is apparent that the study to be undertaken by the parties will require MAWC to share with Jefferson City certain information related to the physical security of MAWC's public

utility facilities. Additionally, because the study is to include an examination of costs and funding sources, it is likely that confidential financial and business information may be shared.

10. Because Jefferson City is a municipality, it is subject to the open records provisions of Chapter 610, RSMo. In the absence of a protective order, the confidential information described above would arguably be publicly available once it was shared with Jefferson City representatives. Further, some of this confidential information will ultimately be included in the report(s) to be submitted to the Commission and, without a protective order, would be publicly available at that time.

11. Public disclosure of the referenced material may tend to harm the interests of MAWC, its employees and its customers. MAWC states that none of the information for which a claim or confidentiality will be made can be found in any format in a public document.

12. Therefore, because there is a potential for public disclosure of confidential or proprietary information without a protective order in place, the joint applicants ask that the Commission open a case for the purpose of receiving the report(s) to be submitted and move the Commission to issue in this case its standard-form protective order containing classifications of "highly confidential" and "proprietary," including provisions concerning the protection of security related information.

WHEREFORE, MAWC and Jefferson City respectfully request that the Commission issue its order:

- (a) opening a case for the purpose of receiving the report(s) to be submitted to the Commission as a result of the coordinated effort concerning MAWC's facilities located in its Jefferson City District; and,

- (b) issue the Commission's standard-form protective order containing classifications of "highly confidential" and "proprietary," including provisions concerning the protection of security related information, to guide the parties' conduct in this case.

Respectfully submitted,

MISSOURI-AMERICAN WATER  
COMPANY

By: 

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WATER COMPANY

CITY OF JEFFERSON

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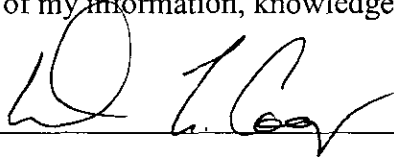
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ATTORNEYS FOR CITY OF JEFFERSON

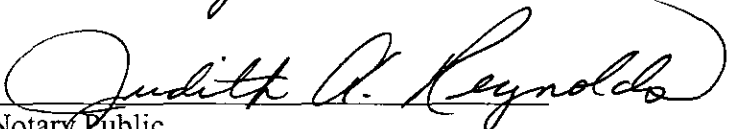
**AFFIDAVIT**

State of Missouri     )  
                                  ) ss  
County of COLE     )

I, Dean L. Cooper, having been duly sworn upon my oath, state that I am an attorney for Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of Missouri-American Water Company, that the matters and things stated in the foregoing Application and appendices thereto are true and correct to the best of my information, knowledge and belief.

  
\_\_\_\_\_

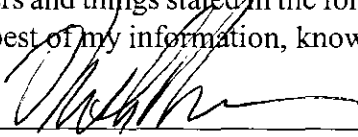
Subscribed and sworn before me this 21<sup>st</sup> day of June, 2004.

  
\_\_\_\_\_  
Notary Public

**AFFIDAVIT**

State of Missouri       )  
                                  ) ss  
County of Cole       )

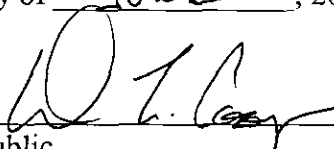
I, Nathan M. Nickolaus, having been duly sworn upon my oath, state that I am the CITY COUNSELOR for the City of Jefferson, that I am duly authorized to make this affidavit on behalf of the City of Jefferson, that the matters and things stated in the foregoing Application and appendices thereto are true and correct to the best of my information, knowledge and belief.

  
\_\_\_\_\_

Subscribed and sworn before me this 21<sup>st</sup> day of June, 2004.



DEAN L. COOPER  
Cole County  
My Commission Expires  
November 13, 2006

  
\_\_\_\_\_  
Notary Public

