

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Lake Region Water and Sewer        )  
Company's Application to Implement a General        )       Case No. SR-2013-0459  
Increase in Water and Sewer Service                )

In the Matter of Lake Region Water and Sewer        )  
Company's Application to Implement a General        )       Case No. WR-2013-0461  
Increase in Water and Sewer Service                )

**LAKE REGION WATER & SEWER COMPANY'S MOTION TO STRIKE PORTIONS  
OF THE WRITTEN TESTIMONY OF TED ROBERTSON, WITNESS FOR THE  
OFFICE OF PUBLIC COUNSEL**

Comes now Lake Region Water & Sewer Company ("Company"), by and through counsel, and respectfully moves to strike the following portions, identified by page and line numbers, of the written direct testimony of Office of Public Counsel (OPC) witness Ted Robertson prefiled on November 15, 2013 with the Commission:

Page 2	Lines 18-21
Page 3	Lines 2-23
Page 4	Lines 1-26
Page 5	Lines 1-31
Page 6	Lines 1-5
Page 7	Lines 9-22
Page 8	Lines 1-2

The testimony recorded in the above identified portions of Mr. Robertson's testimony relate to availability fee revenue and his recommendations on how that revenue should be applied to the Company's revenue requirement in this case. For reasons set out in greater detail in the Company's *Motion To Strike Portions Of The Written Testimony Of Staff Witness Kim Bolin And Sections Of Staff's Revenue Requirement And Cost Of Service Report (Motion to*

*Strike*), which in relevant part is incorporated by reference herein as if fully set forth, evidence pertaining to availability fees is irrelevant and therefore inadmissible in this matter.

The Commission has declared that it is unlawful for the Commission to impute revenue from the collection of availability fees for ratemaking purposes in the absence of a definitive rule promulgated pursuant to Section 536.021, RSMo 2000. In the absence of such a valid rule that governs the manner in which availability fees should be applied, if at all, as a factor in determining revenue requirement, any evidence regarding the charging or collection of availability fees, the revenue derived therefrom, the amounts thereof or the means of collecting or enforcing the same would be meaningless to the Commission's decision and therefore unquestionably irrelevant to this proceeding. Testimony or other proof regarding the same should be stricken.

WHEREFORE, on the basis of the above and foregoing, Lake Region Water & Sewer Company respectfully requests the Commission to strike the portions of OPC witness Ted Robertson's direct testimony identified herein and further order and declare that evidence in any form offered in this proceeding pertaining to the charging or collection of availability fees, the revenue derived therefrom, the amounts thereof or the means of collecting, enforcing or applying the same is irrelevant and inadmissible.

Respectfully submitted,

/s/ Mark W. Comley

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Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 22nd day of November, 2013, to General Counsel's Office at staffcounservice@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley