

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

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In the Matter of Carl R. Mills Trust for a)	
Certificate of Convenience and Necessity)	File No. WA-2018-0370
Authorizing it to Install, Own, Acquire,)	
Construct, Operate, Control, Manage and)	
Maintain Water Systems in Carriage Oaks)	
Estates)	
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**INTERVENORS' RESPONSE TO
ORDER DIRECTING RESPONSES**

COME NOW Intervenor Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott (“Intervenors”) by and through counsel, Schenewerk & Finkenbinder, Attorneys at Law, LLC, and pursuant to the *Order Directing Responses dated May 31, 2019*, provides the following Response:

1. On May 31, 2019, Applicant Carl Mills sent a letter to the Commission requesting a continuance of the hearing that is currently set for June 24 and June 25, 2019 (the “Request”).
2. The Request was made by Applicant Carl Mills on his own behalf and not through his attorney, Bryan Wade, who is currently listed as counsel of record for Applicant in this proceeding. Presumably, the Request was made without the advice or consent of Applicant’s counsel, which in light of the basis of the Request, makes sense.
3. The basis for the Request is that Applicant is seeking regulatory relief from his state representative, Brad Hudson, because he believes the Commission does not have jurisdiction over this matter.

4. The basis for the Request is nonsensical and should be denied for the following reasons:

- a. As Staff Counsel previously pointed out, the Commission has already ruled that the Commission did in fact have jurisdiction over this matter in Case No. WC-2017-0037. Instead of appeal that decision, Applicant further submitted to the Commission's jurisdiction by filing his request for Certificate of Convenience and Necessity, in this case;
- b. Intervenor John Derald Morgan has contacted state representative Brad Hudson about Applicant's Request, and Mr. Hudson stated that he had no recollection of ever speaking with Mr. Mills or discussing any legislation that would affect the jurisdiction of the Commission in this case or in general.
- c. Even if what Mr. Mills had stated in his Request was true and ultimately successful (i.e. new legislation would be passed) it would have no bearing on this particular case, because the legislation could not act retroactively to a case that has already been decided by the Commission.

WHEREFORE, Intervenors Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott request that the Public Service Commission deny Applicant's Request for Continuance and proceed with the evidentiary hearing that has been set.

Respectfully Submitted,

SCHENEWERK & FINKENBINDER,
ATTORNEYS AT LAW, LLC

By: /s/ Karl Finkenbinder

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Attorneys for the Intervenors

CERTIFICATE OF SERVICE

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was sent to all counsel of record via email on June 5, 2019, to the following email addresses: Bryan Wade [bryan.wade@huschblackwell.com]; Whitney Smith [whitney.smith@huschblackwell.com]; Mark.Johnson@psc.mo.gov [Mark.Johnson@psc.mo.gov]; Lexi Klaus [Lexi.Klaus@psc.mo.gov]; Dianna Vaught [Dianna.Vaught@psc.mo.gov].

/s/ Karl Finkenbinder
Karl Finkenbinder