

PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

**RESPONDENT'S RESPONSE TO COMPLAINANT'S MOTION TO APPOINT
INDEPENDENT THIRD PARTY TO PERFORM WATER LOSS SURVEY
AND REQUEST FOR ORAL ARGUMENT**

COMES NOW Respondent, Missouri-American Water Company (hereinafter "MAWC"), by and through its counsel, HeplerBroom LLC, and for its Response to Complainant's Motion to Appoint Independent Third Party To Perform Water Loss Survey and Request for Oral Argument, states as follows:

1. Complainant fails to cite any legal authority which provides a basis or authorizes the Commission to compel a respondent to pay for an opposing party's expert expenses.
2. Complainant has the burden of proof at the evidentiary hearing to establish leaks exist in Respondent's infrastructure at the locations listed in his Complainants and Amendments.
3. As such, Complainant is required to offer evidence to establish the facts necessary to meet such burden.
4. Respondent is not required to prove or disprove the allegations raised therein, and is certainly not required to assist the Complainant in satisfying his burden.
5. Respondent requests oral argument on this issue.

WHEREFORE, Respondent prays the Commission deny Complainant's Motion and for any other relief it deems just and proper.

HEPLERBROOM, LLC

By: /s/ Matthew H. Noce

KURT A. HENTZ #33817

MATTHEW H. NOCE #57883

800 Market Street, Suite 2300

St. Louis, MO 63101

(314) 241-6160 – Telephone

(314) 241-6116 – Facsimile

Attorneys for Respondent

PROOF OF SERVICE

I hereby certify that I electronically filed on this 1st 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)
- Rob Lee (energyhealingarts@gmail.com)

HEPLERBROOM, LLC

By: /s/ Matthew H. Noce

KURT A. HENTZ #33817

MATTHEW H. NOCE #57883

800 Market Street, Suite 2300

St. Louis, MO 63101

(314) 241-6160 – Telephone

(314) 241-6116 – Facsimile

Attorneys for Respondent