

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

Roman Dzurinskiy,)	
)	
Complainant,)	
)	Case No. WC-2010-0215
v.)	
)	
Missouri-American Water Company)	

MOTION FOR CONTINUANCE

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this *Motion For Continuance (Motion)* with the Missouri Public Service Commission (Commission), respectfully stating the following:

1. On January 19, 2010, Mr. Roman Dzurinskiy (Complainant) filed a *Complaint* against Missouri American Water Company (Missouri-American) with the Commission, asserting inaccurate billing due to a “ratcheting” issue with the meter, and customer service issues.

2. On March 12, 2010, the Staff filed its *Staff Investigation and Recommendation (Recommendation)* with a *Memorandum* attached detailing its investigation and findings. Subsequent to several filed responses, the Commission issued its *Order Scheduling Pre-Hearing Conference (Order)* on April 23, 2010, which set a prehearing conference in this matter for May 12, 2010.

3. Counsel will be unavailable on May 12, 2010, due to a scheduled oral argument in the Missouri Western District Court of Appeals. As soon as possible after the Commission’s *Order*, the undersigned attempted to find substitute Staff counsel and determine alternative availability of the Staff. The undersigned discussed continuing the hearing with these parties first to determine alternative dates to suggest to the Complainant. On May 6, 2010, counsel

discussed the oral argument conflict with Judge Jordan, who at that time stated his availability on May 13th for a prehearing conference. On the same date, the counsel for Missouri-American stated no conflicts for this date as well.

4. On May 11, 2010, counsel attempted to contact the Complainant and left a voice message to discuss a continuance of the case until May 13, 2010. The Complainant returned the message on the same date, however counsel was unable to distinguish from the message whether the Complainant agreed to the continuance. This evening, counsel again attempted phone contact, however, the Complainant was unavailable to discuss the matter until the morning of the 12th.

5. Should the Commission grant the undersigned's *Motion*, counsel will continue to discuss availability with the parties to determine whether May 13, 2010 remains an agreeable option, or whether to file additional suggested dates and times with the Commission.

WHEREFORE, the Staff submits this *Motion For Continuance* for the Commission's information and consideration, noting the counsel for the Staff will continue to discuss availability with the parties, and file as soon thereafter other agreeable dates and times for the continued prehearing conference.

Respectfully submitted,

/s/ Jennifer Hernandez
Jennifer Hernandez
Legal Counsel
Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via first class U.S. postal mail, postage prepaid, on Roman Dzurinskiy, 32 Crabapple Ct. St. Louis MO 63132; electronic mail on Kenneth Jones, attorney for Missouri American Water Company at kenneth.jones@amwater.com; and the Office of Public Counsel at opcservice@ded.mo.gov this 11th day of May, 2010.

/s/ Jennifer Hernandez