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February 28, 2002

FILED³

FEB 28 2002

Missouri Public
Service Commission

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

Re: Case NO. WC-2002-155 (Consolidated with SC-2002-160)

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Notice to the Commission Regarding Respondent Gary L. Smith**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

M. Ruth O'Neill
Assistant Public Counsel

MRO:jb

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
FEB 28 2002

Office of the Public Counsel,)
Complainant,)
v.)
Warren County Water and Sewer)
Company and Gary L. Smith,)
Respondents.)

Case No. WC-2002-155

Missouri Public
Service Commission

NOTICE TO THE COMMISSION REGARDING RESPONDENT
GARY L. SMITH

COMES NOW, the Office of the Public Counsel, and, upon information and belief, respectfully informs the Missouri Public Service Commission of the following information.

1. On February 27, 2002, Assistant Public Counsel undersigned received a telephone call from Curt Gately of the Department of Natural Resources. Mr. Gately advised that he had received word from CID that Mr. Gary Smith, the Respondent in this case, had been arrested in connection with an allegation that he had violated his probation.

2. Later, also on February 27, counsel undersigned received information from EPA agent Vic Mueschler, who worked as the investigator on Case No. 4:01CR00195, Mr. Smith's federal felony case. Agent Mueschler further advised the Mr. Smith had been arrested, and was accused of violating the terms of his probation. Mr. Smith is on probation for pleading guilty to a felony violation of the Clean Water Act, and was sentenced on or about November 2001. Agent Mueschler further advised that a hearing on the probation violation matter was scheduled to take place at 10:00 am, Friday, March

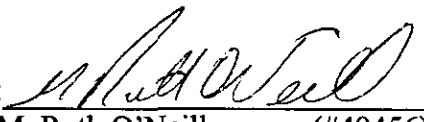
1, before the Honorable Magistrate Judge Terry Adelman, at the Thomas F. Eagleton Courthouse, St. Louis, Missouri.

3. On February 28, 2002, counsel undersigned contacted the clerk of the federal district court for the Eastern District of Missouri. The clerk's office confirmed that Mr. Smith did have a hearing scheduled in the above numbered case on March 1, at 10:00 am.

4. Public Counsel is filing this information with the Commission at this time in order to advise the Commission of a possible material change in circumstances which may adversely impact the customers of the Warren County Water and Sewer Company. Public Counsel believes that these recent events make conducting a local public hearing even more vital to the determination of the issues in this case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 28th day of February 2002:

GENERAL COUNSEL
Missouri Public Service Commission
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