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FILED²

MAR 27 2002

March 27, 2002

HAND DELIVERY

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

**Missouri Public
Service Commission**

Re: **Office of the Public Counsel v Warren County Water and
Sewer Company, Case No. WC-2002-155**

Dear Secretary Roberts:

Enclosed for filing with the Commission are the following:

**Original and eight (8) copies of Motion for Extension of Time to File
Rebuttal Testimony and Proposed Findings of Fact and Conclusions of Law**

Thank you for your attention to this matter. If you have any questions, please
contact Paul DeFord or me.

Very truly yours,

LATHROP & GAGE L.C.

By:


Kurt U. Schaefer

Enclosures

cc: Office of Public Counsel
Office of General Counsel

11927.1

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAR 27 2002

Missouri Public
Service Commission

OFFICE OF THE PUBLIC COUNSEL,)

COMPLAINANT,)

vs)

Case No. WC-2002-155 et al

WARREN COUNTY WATER AND)

SEWER COMPANY AND)

GARY L. SMITH,)

RESPONDENTS.)

**MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY
AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

COMES NOW Warren County Water and Sewer Company and Gary L. Smith ("WCWS") and moves the Public Service Commission ("Commission") for an extension of time to file Rebuttal Testimony and Proposed Findings of Fact and Conclusions of Law in the above-captioned matter. In support thereof, WCWS states as follows:

1. Pursuant to previous order of the Commission, the Rebuttal Testimony is due to be filed with the Commission today, March 27, 2002.

2. On Tuesday, March 26, 2002, the computer system in the office of counsel for WCWS was down the majority of that day. Although the Rebuttal Testimony was nearing completion, counsel was unable to access and continue working on the document until the morning of March 27, 2002.

3. Because of the technical problems which prohibited counsel for WCWS from accessing documents and communicating with the client, WCWS requests a one-day extension of time to file its Rebuttal Testimony.

4. With regard to the filing of Proposed Findings of Fact and Conclusions of Law which are also scheduled to be filed on March 27, 2002, WCWS asks that it be given until after the close

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of the hearing to make that submission. WCWS makes this request because disclosure of proposed findings of fact and conclusions of law present a significant threat of exposing trial strategy. Further, it would be difficult if not impossible to anticipate what facts or evidence may come to light in the actual hearing process. Until the record is complete, it would be premature and prejudicial to WCWS to require it to file Proposed Findings of Fact and Conclusions of Law.

5. Therefore, for the reasons set forth above, WCWS requests an extension to file its Proposed Findings of Fact and Conclusions of Law until after the hearing date.

WHEREFORE, WCWS hereby requests the Commission to grant a one-day extension to file Rebuttal Testimony and further WCWS requests the Commission to extend the deadline for the filing of Proposed Findings of Fact and Conclusions of Law until after the hearing.

Respectfully submitted,

LATHROP & GAGE, L.C.



Paul S. DeFord #29509

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Counsel for WCWS

Dated: March 27, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served this 27th day of March, 2002, upon the following:

Ruth O'Neill
Office of Public Counsel, 6th Floor
Governor Office Building
Jefferson City, MO 65101

Office of General Counsel
Missouri Public Service Commission
Governor Office Building, 8th Floor
Jefferson City, MO 65101



Attorney for WCWS