

FILED³

AUG 25 2000

STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

Missouri Public
Service Commission

In the Matter of Missouri-American)
Water Company's Tariff Sheets De-)
signed to Implement General Rate)
Increases for Water and Sewer Ser-)
vice provided to Customers in the)
Missouri Service Area of the Compa-)
ny)

WR-2000-281
SR-2000-282
(Consolidated)

**OBJECTION TO COMMISSION STAFF REVISED LATE-FILED EXHIBIT
BY ST. JOSEPH INDUSTRIAL INTERVENORS, CITY OF RIVERSIDE
AND CITY OF JOPLIN**

COME NOW Intervenor AG PROCESSING INC, A COOPERATIVE ("AGP"), FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE ROPE CORPORATION OF AMERICA INC. ("Wire Rope") (collectively herein "St. Joseph Industrial Intervenor") joined by City of Riverside ("Riverside") and City of Joplin ("Joplin") and object to the following late-filed exhibits on the following grounds:

1. The proffered late-filed exhibit of Commission Staff (Staff) is objectionable and should be denied admission on the following grounds:

a. The exhibit was not timely received pursuant to the order directing such filing. Accordingly, these parties have been denied even sufficient time to review such exhibit prior to its receipt and review by the Commission.

b. The exhibit constitutes incompetent evidence. It has not been properly authenticated by its preparer or prepar-

246

ers, nor have such preparers even been identified, and the foundation therefore is legally insufficient.

c. The exhibit has not been subjected to cross-examination, which these parties do not waive, and therefore cannot form the lawful basis of any Commission order or decision in this proceeding.

2. That with respect to the above late-filed exhibit, although certain aspects of this exhibit may not represent positions different than the tendering party's previous positions on selected issues (which cannot be established without cross-examination of the exhibit), and since some parties have sought to argue many of the issues in the case on the basis of impact rather than on the legal and lawful basis of such issues, these parties also object to the Commission's use by or reliance on this exhibit in that such use or reliance creates the appearance, if not the reality, that the important issues in the case of prudence of alternative selection and legality of Single Tariff Pricing would be or are being decided or approached by the decision maker, not from the perspective of deciding such issues on the basis of the record on those respective issues, but rather from the incorrect and objectionable basis of seeking to identify impacts that are perceived as acceptable, then making the more basic decisions in or to support that predetermined result. That approach would be a reversal of the correct and lawful approach,

and must be objected to by these parties in order to protect the record in this proceeding for any possible appeal. Accordingly, this late filed exhibit is objected to on this additional ground.

3. Further, Movants incorporate herein by reference as fully as though set out their Application for Rehearing of the Order Directing Filing of August 17, 2000.

WHEREFORE, St. Joseph Industrial Intervenors, City of Riverside and City of Joplin pray that the foregoing late filed exhibits all be denied admission into the record of this proceeding on the grounds aforesaid.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

Stuart W. Conrad by *[Signature]*

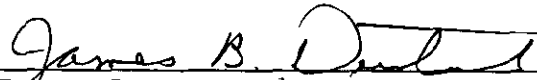
Stuart W. Conrad Mo. Bar #23966
3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: stucon@fcplaw.com

ATTORNEYS FOR AG PROCESSING INC.,
FRISKIES PETCARE, A DIVISION OF
NESTLE USA and WIRE ROPE CORPORATION
OF AMERICA, INC.

Jeremiah D. Finnegan by *[Signature]*

Jeremiah D. Finnegan Mo. Bar #18426
3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: jfinnegan@fcplaw.com

ATTORNEYS FOR CITY OF RIVERSIDE,
MISSOURI


James B. Deutsch
BLITZ, BARDGETT & DEUTSCH, L.C.
308 East High Street
Suite 301
Jefferson City, MO 65101
(573)634-2500
Facsimile (573)634-3358

ATTORNEYS FOR CITY OF JOPLIN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by hand delivery or U.S. mail, postage prepaid addressed to the following persons:

Mr. John Coffman
Assistant Public Counsel
Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Mr. Dean Cooper
Brydon, Swearngen & England, P.C.
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102-0456

Mr. Karl Zobrist
Blackwell Sanders Peper Martin LLP
Two Pershing Square
2300 Main, Suite 1100
Kansas City, MO 64108

Mr. James M. Fischer
Law Offices of Jim Fischer
101 West McCarty Street
Suite 215
Jefferson City, MO 65101

Mr. Louis J. Leonatti
Attorney
Leonatti & Baker, P.C.
123 E. Jackson St
P. O. Box 758
Mexico, MO 65265

Ms. Shannon Cook
Assistant Public Counsel
Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Mr. Lee Curtis
Attorney
130 S. Bemiston
Suite 200
Clayton, MO 63105

Mr. William R. England
Brydon, Swearngen & England, P.C.
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102-0456

Mr. Keith Krueger
Assistant General Counsel
Missouri Public Service Commission
Truman Office Building - R530
P. O. Box 360
301 West High - P.O. Box 360
Jefferson City, MO 65102-0360

Mr. Joseph W. Moreland
Attorney
Blake & Uhlig, P.A.
2500 Holmes Road
Kansas City, MO 64108

WR-2000-281, et al.

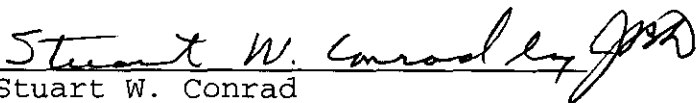
Ms. Lisa M. Robertson
City of St. Joseph
City Hall, Room 307
11th & Frederick Ave.
St. Joseph, MO 64501

Ms. Diana Vuylsteke
Bryan Cave, LLP
One Metropolitan Square
Suite 3600
St. Louis, MO 63102-2750

Mr. Charles B. Stewart
Stewart & Keevil
1001 E. Cherry Street
Suite 302
Columbia, MO 65201

Mr. Martin W. Walter
Blake & Uhlig, P.A.
2500 Holmes Road
Kansas City, MO 64108

Dated: August 25, 2000


Stuart W. Conrad