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May 29, 2002

HAND DELIVERY

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

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

Dear Secretary Roberts:

Enclosed for filing with the Commission are the following:

Original and eight (8) copies of a Motion for Continuance

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

Very truly yours,

LATHROP & GAGE L.C.

By: 
Paul S. DeFord

PSD/jf
Enclosures

cc: Keith Krueger, Office of Public Counsel
M. Ruth O'Neill, Office of General Counsel
ALJ Lewis Mills

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Office of the Public Counsel,)
Complainant,)
v.) Case No. WC-2002-155, et al.
Warren County Water and Sewer)
Company and Gary L. Smith,)
Respondents.)

COME NOW Warren County Water and Sewer Company ("Company") and Gary L. Smith, Respondents, and move the Commission for an Order continuing or staying these proceedings and removing this case from its June 3-6, 2002 hearing schedule. In support of this Motion, Respondents state as follows:

1. This case is currently set for hearing on the Commission's June 3-6, 2002 hearing docket.
2. One of the alternatives for relief requested in the Office of Public Counsel's ("OPC") complaint was to have the Commission direct the company to sell, lease or otherwise transfer all assets, including plant, to an entity which is capable of providing safe and adequate water and sewer service to customers in the certificated area.
3. Without acknowledging any past or present inability to provide safe and adequate water and sewer service, Mr. Smith, as principal of Warren County Water and Sewer Company has determined to accommodate the Office of Public Counsel's request and sell and transfer ownership and control of the Company. To effectuate this goal, Mr. Smith has undertaken negotiations with two separate entities, both known to the Staff and OPC, to take over day-to-day operation and management of the Company while separately negotiating the sale of the Company to other interested parties. The current goal is to have an agreement in place with one

of the management companies within the next two to three weeks. It is further the goal of Mr. Smith to have a proposal for Commission approval for sale of the Company within six months.


4. Proceeding with hearings will inhibit Mr. Smith's ability to freely negotiate with potential purchasers and could detrimentally affect the value of the Company. The interests of the Company's customers and all parties would be best served by focusing efforts on the outside management and sale transactions rather than litigation.

5. In light of the foregoing facts and significant change of position, Respondents suggest it would be a waste of time and resources to proceed with contested hearings.

WHEREFORE, Warren County Water and Sewer Company and Gary L. Smith, Respondents, move the Commission for an Order continuing or staying these proceedings and removing this case from its June 3-6, 2002 hearing schedule.

Respectfully submitted,

LATHROP & GAGE, L.C.


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ATTORNEYS FOR WARREN COUNTY WATER
AND SEWER COMPANY AND GARY L.
SMITH

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to the following by hand-delivery on this 29th day of May, 2002:

Mr. Dan Joyce
Mr. Keith Krueger
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Missouri Public Service Commission
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200 Madison Street
Jefferson City, Missouri 65 101

Ms. M. Ruth O'Neill
Office of Public Counsel
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