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June 17, 2002

**HAND DELIVERY**

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

Re: **Office of the Public Counsel v Warren County Water and Sewer  
Company and Gary L. Smith, WC-2002-155, et al.**

Dear Mr. Roberts:

Enclosed for filing in the above case is original and eight copies of **OBJECTION  
TO LATE FILED EXHIBITS.**

If you have any questions concerning this filing, please contact Paul DeFord in our  
Kansas city office or Kurt Schaefer here in our Jefferson City office.

Thank you for your attention to this matter.

Sincerely,

LATHROP & GAGE L.C.

By:

  
Susan Kliethermes  
Paralegal

enclosures

cc: All parties of record

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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

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.	)	
	)	

**OBJECTION TO LATE FILED EXHIBITS**

COMES NOW Warren County Water and Sewer Company and Gary L. Smith (collectively, "Warren County") and for their objection to proposed late filed exhibits states as follows:

1. One June 7, 2002 the Office of Public Counsel ("Public Counsel") filed a Motion to Reopen Case for the Taking of Additional Evidence. Public Counsel proposes to offer an exhibit which consists of a letter dated May 31, 2002, from Mohammed Alhalabi, Regional Director of the Missouri Department of Natural Resources ("MDNR"), to Gary L. Smith, a Respondent herein; a report of inspections, which was prepared by Paul E. Mueller and Kurt Riebeling of the MDNR and is also dated May 31, 2002; and a Notice of Violation that the MDNR issued to Respondent Warren County on the same date.

2. Warren County objects to the admission of all of the aforesaid documents because they constitute hearsay. In addition, no proper foundation has been laid for authentication of the proposed exhibits. Even if a proper foundation could be laid and sponsoring witnesses identified the lack of opportunity for Warren County to cross-examine with respect to the proposed exhibits would constitute a fundamental violation of Warren County's due process rights.

3. On June 5, 2002, Staff filed its Motion to Reopen Case of Taking of Additional Evidence. Therein, Staff alleges that Exhibit 20, a letter from the Commission's General

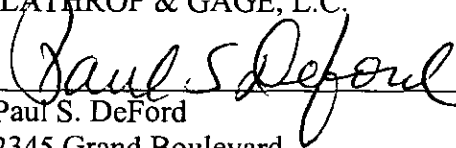
Counsel to Mr. Smith, is incomplete and may mislead the Commission because it does not address the Company's obligation to file annual reports, and does not address the Company's unpaid assessment for fiscal years beginning before July 1, 2001. Staff submits a proposed late filed exhibit purporting to provide information concerning annual assessments and annual reports for prior years.

4. Warren County objects to the admission of Staff's proposed late filed exhibit because it suffers from many of the same flaws identified with respect to the Public Counsel's filing. Staff does not allege that any of the underlying data referenced in its proposed late filed exhibit was not available to Staff and could not have been timely presented in prefiled testimony. In addition, Warren County's lack of ability to cross-examine the sponsoring witness constitutes a fundamental violation of Warren County's due process rights.

WHEREFORE, for all of the foregoing reasons, Warren County objects to the admission of a proposed late filed exhibits of Staff and Public Counsel and requests that they be rejected.

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 first class mail or hand-delivery on this 17th day of June, 2002:

Mr. Dan Joyce  
Office of General Counsel  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, Missouri 65101

Keith R. Krueger  
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Missouri Public Service Commission  
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