

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED<sup>3</sup>**  
FEB 28 2000

**In the Matter of Missouri-American Water Company's )  
Tariff Sheets Designed to Implement General Rate )  
Increases for Water and Sewer Service Provided to )  
Customers in the Missouri Service Area of the )  
Company. )**

Missouri Public  
Service Commission

Case No. WR-2000-281

**OFFICE OF THE PUBLIC COUNSEL'S MOTION TO COMPEL, REQUEST  
FOR EXTENSION OF TIME IN WHICH TO FILE DIRECT TESTIMONY, AND  
REQUEST FOR EXPEDITED CONSIDERATION**

**COMES NOW** the Office of the Public Counsel (Public Counsel), and for its Motion to Compel, Request for Extension of Time in Which to File Direct Testimony, and Request for Expedited Consideration states as follows:

1. On February 14, 2000, Public Counsel sent fifteen data requests, Nos. 4001 through 4015, to Missouri-American Water Company (MAWC) via facsimile and U.S. mail. Those data requests, along with the accompanying cover letter, are attached hereto as Exhibit 1. Under 4 CSR 240-2.090(2), the responses are due on March 6.
2. On February 23, Public Counsel received a letter from MAWC, attached hereto as Exhibit 2, which stated that MAWC would not be able to provide responses to these fifteen data requests until about March 16, 2000 due to the "number of data requests that have (sic) been received from parties to this case."
3. Public Counsel points out that March 16, the date by which MAWC proposes to provide its responses, is only two working days before the date on which direct testimony is currently due, March 20.
4. On this date, Public Counsel has informed MAWC in writing, by facsimile and regular mail, as to its objection to MAWC's suggestion in Exhibit 2 that it be allowed

to modify the deadline to respond to these data requests. Public Counsel's letter is attached hereto as Exhibit 3.

5. The responses to Data Requests Nos. 4001 through 4015 are essential in order for Public Counsel to put together its direct case. These data requests seek crucial information pertaining to the prudence and reasonableness of the St. Joseph water treatment plant, and the responses are necessary for proper preparation of Public Counsel's direct testimony.

6. Public Counsel's retained expert, Mr. Ted L. Bidy, P.E., P.L.S., is located in Florida. If MAWC were permitted to postpone its response to these data requests until March 16, Mr. Bidy would have to receive, read, and analyze the responses, write his testimony regarding the issues they raise, and deliver the testimony to the Office of the Public Counsel, allowing time for editing, processing and filing with the Commission, in just four days, including a weekend.

7. Public Counsel submits that while MAWC may very well be inundated with data requests, it should be providing sufficient personnel such that the requests are answered on time, particularly during such an important rate case, and one with a schedule as tight as the one that currently exists.

8. Public Counsel requests that the Commission compel MAWC to provide complete responses to OPC Data Requests Nos. 4001 through 4015 in a timely manner (on or before March 6, 2000).

9. Because the information sought is so important to Public Counsel's prepared testimony, Public Counsel also requests that the Commission extend the date for

filing of direct testimony at least one day for every day after March 6 that MAWC has not supplied complete responses to OPC Data Requests Nos. 4001 through 4015.

10. Public Counsel finally requests that this motion be given expedited consideration, since the deadlines for these data request responses (March 6) and for filing of direct testimony (March 20) are rapidly approaching.

WHEREFORE, OPC respectfully requests that the Commission issue its Order :

- a) requiring MAWC to provide complete responses to OPC Data Requests Nos. 4001 through 4015 on or before March 6, 2000;
- b) extending the date for filing of prepared direct testimony at least one day for each day after March 6 that it takes MAWC to provide complete answers to the data requests discussed above; and
- c) expedite its consideration of this Motion to Compel and Request for Extension of Time.

Respectfully submitted,

**OFFICE OF THE PUBLIC COUNSEL**



Shannon E. Cook #50169  
John B. Coffman #36591  
301 East High Street, Box 7800  
Jefferson City, MO 65102-7800  
Telephone: (573) 751-1304  
Facsimile: (573) 751-5562

FILE COPY



Martha S. Hogerty  
Public Counsel

State of Missouri

Mel Carnahan  
Governor

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Relay Missouri  
1-800-735-2966 TDD  
1-800-735-2466 Voice

February 14, 2000

Dean L. Cooper  
Brydon, Swearingen & England  
P.O. Box 456  
Jefferson City, MO 65102

**RE: Missouri-American Water Company  
Case No. WR-2000-281 et al.**

Dear Dean:

Enclosed are the Office of the Public Counsel's Data Request Nos. 4001 through 4015. Your attention is directed to 4 CSR 240-2.090(2). If MAWC has any objections or is unable to answer these data requests within twenty (20) days, please serve the objection or inability to answer in writing within ten (10) days after receipt of these data requests.

If you have any questions, please do not hesitate to contact me at 573-751-5565.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Coffman".

John B. Coffman  
Deputy Public Counsel

JBC/mm

Enclosures

Exhibit 1

No. 4001

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: What was the elevation of the great flood of 1993 at the existing treatment plant? What return frequency (years) was this flood classified? What is the elevation of the 100-year flood at the existing treatment plant?

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE  
RECEIVED: \_\_\_\_\_ SIGNED BY: \_\_\_\_\_

TITLE \_\_\_\_\_

No. 4002

**MISSOURI-AMERICAN WATER COMPANY**  
**PUBLIC COUNSEL DATA REQUEST**  
**CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: See attached.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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DATE  
RECEIVED: \_\_\_\_\_ SIGNED BY: \_\_\_\_\_ :

TITLE \_\_\_\_\_

Information Requested: After the flood in 1993, describe in detail what actions were taken by MAWC to improve the existing treatment site from flooding. Please give the following information.

1. Elevation of the highest water level experienced in 1993.
2. Elevation of protection levees in 1993.
3. Elevations of the ground levels throughout the plant area in 1993.
4. Elevations of all floor or operation levels in 1993.
5. Elevations of all raw water intake structures and pumps in 1993.
6. Elevations along the access road in 1993.
7. Elevations of protection levees after completion of flood improvement work.
8. Elevations of plant ground levels after completion of flood improvement work.
9. Elevations of all floor or operating levels after completion of flood improvement work.
10. Elevations of all raw water intake structures and pumps after completion of flood improvement work.
11. Elevations along access road after completion of flood improvement work.

No. 4003

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: During the 1993 flood, did the raw water intake structures and pumps flood and was the raw water withdrawal from the Missouri River rendered inoperable?

REQUESTED BY: Ted L. Bidy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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No. 4004

**MISSOURI-AMERICAN WATER COMPANY**  
**PUBLIC COUNSEL DATA REQUEST**  
**CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: See attached.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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DATE  
RECEIVED: \_\_\_\_\_ SIGNED BY: \_\_\_\_\_ :

TITLE \_\_\_\_\_

INFORMATION REQUESTED: The MAWC feasibility report for the proposed new ground water supply and water treatment plant states, "The primary concerns with remaining at the existing site are the ability to reliably operate the treatment plant during flood conditions and low water conditions." In connection with this statement, please answer the following questions and furnish the data requested.

1. Describe the facilities within the treatment plant that could not have been reliably operated during flood conditions after the flood improvement work was completed. Please give your answer in terms of both the great flood level of 1993 and the 100-year flood level.
2. If any electrical equipment or pumps would have flooded during flood conditions, could these items be raised above the great flood level of 1993 or the 100 year flood level?
3. In connection with the access road to the existing treatment plant, how much of this road is below the level of both the great flood and the 100-year flood level? Were cost estimates prepared for raising the level of the access road? If so, please furnish.
4. In connection with other possible access road routes as briefly discussed in the feasibility report, did MAWC study the layout of such roads or prepare cost estimates? If so, please furnish.
5. Were studies, preliminary designs and cost estimates made to lower the river intake structure to a level which would be unaffected by low water conditions? If so, please furnish.

No. 4005

**MISSOURI-AMERICAN WATER COMPANY**  
**PUBLIC COUNSEL DATA REQUEST**  
**CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: See attached.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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**INFORMATION REQUESTED:** The feasibility report states that the alternative of improving the existing plant has an estimated cost of \$78,000,000. In connection with the estimated cost of this alternative, please answer the following questions and furnish the data requested.

1. Please furnish the detailed cost estimates for the \$78,000,000 including all quantities, preliminary drawings, sketches and unit costs estimated and all estimated costs of engineering, contingencies, interest during construction, etc.
2. Was consideration given to using the existing pumps which the report states will be retired? Explain why existing pumps could not have been refurbished as necessary and reused to save costs?
3. Explain why Basins No. 2 and 3 could not have been refurbished/rebuilt to serve as high rate solids contact clarifiers instead of building new clarifiers?
4. Explain why Basin No. 1 could not have been refurbished/rebuilt to serve as a presedimentation clarifier.
5. Could the existing filter have been rebuilt, one at a time, to provide deeper filters, a higher filtering rate and made to accommodate granular activated carbon? If such filter rebuilding had been phased over a period of years, would not the rebuilding have saved substantial costs over construction of new filters?
6. Could the existing chemical systems have been rearranged on the site along with some reconstruction of existing buildings to save costs rather than building new chemical storage and feed systems?
7. Explain why the existing distributive pumps and electrical switchgear was to be replaced? Could not any needed refurbishment have been performed on these items and thereby saved substantial costs?
8. Explain why a new 36 inch line was proposed to be installed up to the Hill finished water storage? Could not the existing line(s) to the Hill finished water storage have been repaired or partially replaced for a substantial savings in costs?
9. Why was it assumed that residual handling facilities were necessary since the existing plant had been returning the residuals to the river for many years? Since the residuals are over 90% settled Missouri River mud with no chemical coagulant contamination, why couldn't these residuals at the very least have been continued to be returned to the river? Wouldn't a great savings in cost have been realized if the chemical coagulant contaminated residuals only had been planned for handling and disposal facilities? What would have been the amount of this savings in cost?
10. Why were Ozone Facilities included in the cost estimate for the upgrading of the existing treatment plant in light of the fact that EPA rules on disinfection by-products are likely to be years in the future if at all? Wouldn't a large cost savings be realized if the existing chlorination facilities (refurbished as necessary) had been planned to remain?
11. The feasibility report admits that there was considerable uncertainty concerning the need for residual handling facilities and the need for ozone facilities, and that the total cost estimate for improvements at the existing site would be reduced to

OPC Data Request No. 4005

Page 3

Cont.

\$58,000,000 without these facilities. Why would MAWC plunge headlong into implementing the construction of a new ground water source and treatment facility at a cost of \$75 million in the face of such great uncertainty in comparing the new plant alternative cost to the cost of upgrading the existing plant, and given the fact that the Missouri Public Service Commission had refused to rule that the new plant construction was prudent? How was this decision made? If made at a board of directors meeting, do minutes of this board meeting exist? If so, please furnish.

No. 4006

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: Was MAWC under any order, mandate or directive by any regulatory agency to construct a new source of supply and new treatment facilities at the time MAWC made the decision to start such a project? If so, please furnish such order, mandate or directive.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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TITLE \_\_\_\_\_

No. 4007

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: If MAWC was not under an order, mandate or directive from a regulatory agency to construct new facilities, please explain why MAWC made such a hasty decision to construct the new facilities in light of the great uncertainties in comparing alternative costs and being certain what facilities were required in these alternatives?

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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TITLE \_\_\_\_\_

No. 4008

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: Please furnish the number of ERC's that MAWC furnishes water services directly to for the test year ending September 30, 1999.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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No. 4009

**MISSOURI-AMERICAN WATER COMPANY**  
**PUBLIC COUNSEL DATA REQUEST**  
**CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: Please furnish the amount of water sold to other water companies or water districts for the test year ending September 30, 1999. Please also furnish the number of ERC's in each of these companies or districts.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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DATE

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TITLE \_\_\_\_\_

No. 4010

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: Please furnish the average daily and the maximum daily flows per ERC for the test year ending September 30, 1999.

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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DATE \_\_\_\_\_  
RECEIVED: \_\_\_\_\_ SIGNED BY: \_\_\_\_\_

TITLE \_\_\_\_\_

No. 4011

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: Does MAWC furnish fire flow throughout its system?

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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TITLE \_\_\_\_\_

No. 4012

**MISSOURI-AMERICAN WATER COMPANY**  
**PUBLIC COUNSEL DATA REQUEST**  
**CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: What was the total amount of finished water storage in the MAWC system as of the end of the test year?

REQUESTED BY: Ted L. Bidby, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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TITLE \_\_\_\_\_

No. 4013

**MISSOURI-AMERICAN WATER COMPANY**  
**PUBLIC COUNSEL DATA REQUEST**  
**CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: How much of the finished water storage is elevated and how much is ground storage with high service pumping?

REQUESTED BY: Ted L. Bidby, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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DATE \_\_\_\_\_ :  
RECEIVED: \_\_\_\_\_ SIGNED BY: \_\_\_\_\_

TITLE \_\_\_\_\_

No. 4014

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: Does the St. Joseph Fire Department rate the MAWC system, in and around St. Joseph, to have adequate fire flow?

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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TITLE \_\_\_\_\_

No. 4015

**MISSOURI-AMERICAN WATER COMPANY  
PUBLIC COUNSEL DATA REQUEST  
CASE NO. WR-2000-281**

REQUESTED FROM: Dean L. Cooper

DATE REQUESTED: February 14, 2000

INFORMATION REQUESTED: How much of the property at the new treatment plant and ground water supply wells is being used in the construction of the new facilities?

REQUESTED BY: Ted L. Biddy, P.E., P.L.S.

INFORMATION PROVIDED: \_\_\_\_\_  
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TITLE \_\_\_\_\_

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## LAW OFFICES

## BRYDON, SWEARENGEN &amp; ENGLAND

PROFESSIONAL CORPORATION

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SONDRA B. MORGAN  
CHARLES E. SMARR

DEAN L. COOPER  
MARK C. ANDERSON  
TIMOTHY T. STEWART  
GREGORY C. HITCHELL  
RACHEL M. CRAIG  
BRIAN T. MCCARTNEY  
DALE T. SMITH  
  
OF COUNSEL  
RICHARD T. CIGNONE

February 23, 2000

VIA FAX TRANSMISSION

Ms. Shannon Cook  
Assistant Public Counsel  
Office of the Public Counsel  
Truman Office Building, Suite 250  
Jefferson City, Missouri 65101

Re: Case No. WR-2000-281 (Missouri-American Water Company)

Dear Shannon:

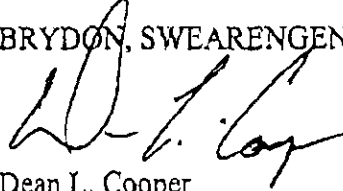
This letter is to inform you, pursuant to 4 CSR 240-2.090(2), that Missouri-American Water Company ("MAWC") will not be able to respond to data requests numbers 4001 through 4015 in this proceeding within twenty (20) days due to the great number of data requests that have been received from parties to this case. MAWC estimates that it will be able to provide responses to these data requests on or before March 16, 2000. MAWC will forward the responses as they are completed.

If you have any questions, please contact me.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
Dean L. Cooper

DLC/rhg  
cc: David Abernathy  
Jim Salser

Exhibit 2





Martha S. Hogerty  
Public Counsel

State of Missouri

Mel Carnahan  
Governor

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1-800-735-2966 TDD  
1-800-735-2466 Voice

February 28, 2000

**VIA FACSIMILE AND U.S. MAIL**

Mr. Dean Cooper  
BRYDON, SWEARENGEN & ENGLAND  
P.O. Box 456  
Jefferson City, MO 65102-0456

**RE: PSC Case No. WR-2000-281**

Dear Dean:

We are in receipt of your letter dated February 23, 2000, informing us that MAWC "will not be able to respond" to our Data Requests Nos. 4001 through 4015 within the proscribed twenty-day period, and that you estimate the responses will not be available until about March 16. DRs Nos. 4001 through 4015 were propounded to MAWC on February 14.

Please be advised that the date you have set for responding to these Data Requests, March 16, is not acceptable to Public Counsel. As you know, our direct testimony in this case is currently due on March 20, just four days after you propose to supply us with these responses.

The questions propounded by DRs Nos. 4001 through 4015 are absolutely essential to our preparations for trying this case; therefore, in the interest of our client, we must demand that the responses be provided to us by March 6, the date they are due under 4 CSR 240-2.090(2).

This afternoon, Public Counsel will be filing a Motion to Compel MAWC's answers to these DRs within the timeframe set forth by the Commission's rules. Please contact me if you have any questions regarding this matter. Thank you.

Sincerely,

Shannon E. Cook  
Assistant Public Counsel

Exhibit 3

**FAXED**  
2/28/00  
11:35 a.m. SEC

### CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing document have been faxed, mailed, or hand-delivered to all counsel of record as shown on the attached service list this 28<sup>th</sup> day of February, 2000.

Shannon Cook

**Service List for  
Case No. WR-2000-281**

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