

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

In the Matter of Liberty Utilities (Missouri) File No. WR-2018-0170
Water) LLC’s Application for a Rate Increase) SR-2018-0171

**OZARK MOUNTAIN CONDOMINIUM ASSOCIATION’S
OBJECTION TO NON-UNANIMOUS STIPULATION AND AGREEMENT AND
REQUEST FOR LEAVE TO LATEFILE SAME**

COMES NOW Intervenor Ozark Mountain Condominium Association, Inc. (“OMCA”), and for its Objection to Non-Unanimous Stipulation and Agreement and Request for Leave to Latefile Same states as follows:

1. On August 3, 2018, Staff and Liberty Utilities filed their Non-Unanimous Stipulation and Agreement in this case.
2. OMCA neglected to file its objection thereto within seven days from its filing.
3. OMCA objects to resolution of the issues in this case as proposed in the Non-Unanimous Stipulation and Agreement, and desires that the issues be resolved after the scheduled evidentiary hearing.
4. While this objection is not timely made, the Commission has the authority, after the expiration the specified time period within which an act may be done, permit an act to be done where the failure to act was the result of excusable neglect or for other good cause shown. 4 CSR 240-2.050. Good cause exists to permit this admittedly untimely objection, because the parties have worked diligently to develop the evidence and their positions on the issues in this case, there is in fact no unanimity among the parties on how to resolve the issues in this case (see OPC’s Response to Non-Unanimous Stipulation and Agreement and its Clarification of its Response to Non-Unanimous Stipulation noting its non-endorsement, as well as Silverleaf’s

Response to Staff’s Motion Regarding Non-Unanimous Stipulation and Agreement noting its recent filings which demonstrate plainly its objections to the positions agreed to by Staff and Liberty Utilities), and the parties are prepared to go to hearing and have the issues decided on the merits. Deciding the issues in this case after a hearing on the merits must better serve the public interest than a decision reachable only by punishing parties for their inadvertent, untimely (by one weekday) filing of objections.

Wherefore, OMCA requests leave to latefile its objection to the Non-Unanimous Stipulation and Agreement filed by Staff and Liberty Utilities in this case.

SMITH LEWIS, LLP

/s/ Sarah E. Giboney

Sarah E. Giboney, #50299
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
(573) 443-3141
(573) 442-6686 (Facsimile)
giboney@smithlewis.com

Attorneys for Ozark Mountain
Condominium Association, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing OMCA’s Objection to Non-Unanimous Stipulation and Agreement and Request for Leave to Latefile Same was served on all of the following parties via e-mail this 13th day of August, 2018.

Liberty Utilities (Missouri Water) LLC
dcooper@brydonlaw.com
paulb@brydonlaw.com

Office of Public Counsel
opcservice@ded.mo.gov
lera.shemwell@ded.mo.gov
Hampton.williams@ded.mo.gov

Missouri Public Service Commission
staffcounsel@psc.mo.gov
jacob.weston@psc.mo.gov

Orange Lake Country Club and Silverleaf Resorts,
Inc.
Joshua.harden@stinson.com
dhansen@orangelake.com

/s/ Sarah E. Giboney
Sarah E. Giboney