

**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

**OBJECTION OF LIBERTY UTILITIES TO OZARK MOUNTAIN  
CONDOMINIUM ASSOCIATION’S REQUEST FOR LEAVE  
TO LATE-FILE OBJECTION TO  
NON-UNANIMOUS STIPULATION AND AGREEMENT**

**COMES NOW** Liberty Utilities (Missouri Water) LLC (“Liberty Utilities” or the “Company”), by and through counsel, and objects to Ozark Mountain Condominium Association’s (“OMCA”) late-file an objection to the Nonunanimous Stipulation and Agreement of Staff and Liberty Utilities (“Agreement”) and to request a hearing ( hereinafter “Request”).

1.        On August 13, 2018, OMCA filed an objection to the Agreement filed by Staff on August 3, 2018, which it readily admits is out of time. OMCA does not contend that it was not notified of the filing of the Agreement or that any circumstance impaired its ability to timely file an objection to the Agreement. It merely claims that the Commission should excuse its negligence and nevertheless hold a hearing.

2.        OMCA give no reason whatsoever for failing to lodge an objection to the Agreement within the 7 days provided in the Commission’s practice rule 4 CSR 240-2.115(2). A mere change of heart is hardly grounds to find that there has been “excusable neglect or other good cause” as alleged by OMCA in paragraph 4.

3.        Additionally, there is no basis for granting the specific relief requested by OMCA, that is, to hold an evidentiary hearing. The Commission’s practice rule 4 CSR 240-2.115(2)(B) specifically provides that a party’s “[f]ailure to file a timely objection *shall constitute* a full

waiver of that party's right to a hearing." This language is mandatory and directive. The fact that on second thought OMCA thinks an evidentiary hearing on issues would be preferable is not good cause to grant the relief it is requesting.

4. OMCA has waived its right to a hearing in this case.

WHEREFORE, OMCA's Request should be denied for the reasons aforesaid.

Respectfully submitted,

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ATTORNEYS FOR LIBERTY UTILITIES  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail on this 14<sup>th</sup> day of August, 2018, to:

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