

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

In the Matter of S.K. & M. Water and)	<u>Case Nos. WR-2007-0460</u>
Sewer Company's Rate Increase Request)	<u>Tariff No. YW-2007-0864</u>

In the Matter of S.K. & M. Water and)	<u>Case Nos. SR-2007-0461</u>
Sewer Company's Rate Increase Request)	<u>Tariff No. YW-2007-0865</u>

**MOTION FOR ADDITIONAL TIME TO RESPOND TO
PUBLIC COUNSEL'S MOTION TO COMPEL**

S.K. & M. Water and Sewer Company ("SK&M" or "Company"), by its undersigned counsel, hereby moves the Commission to grant it additional time in which to respond to the Motion to Compel filed by the Office of the Public Counsel ("Public Counsel") on June 21, 2007. In support of its motion, SK&M states as follows:

1. Sometime on June 21, 2007, Regulatory Law Judge Harold Stearley issued, by delegation, an "Order Directing S.K. & M. Water and Sewer Company to Respond to the Office of the Public Counsel's Motion to Compel." That order directed any party who desired to respond to the Public Counsel's motion to compel to file that response "no later than 8:00 a.m. Monday, June 25, 2007.

2. Counsel for SK&M was unaware that the Regulatory Law Judge's order been issued until approximately 8:00 a.m. on Monday, June 25th, which made it impossible for the Company to file its response to Public Counsel's motion by the date and time specified in that order. SK&M's lack of knowledge of the order is attributable to three factors: a) the General Manager of SK&M,

Angela Swan, is currently out of the state on vacation and, therefore, was unable to receive any e-mail notice of the Regulatory Law Judge's order; b) SK&M's counsel did not – and has not to this date – received any electronic notice that the Regulatory Law Judge had issued an order directing an expedited response to Public Counsel's motion; and c) SK&M's counsel was out of his office all day on Friday, June 22, 2007. Accordingly, based on the Commission's rules, counsel assumed he would have ten days within which to respond to Public Counsel's motion.

3. A public hearing is scheduled this evening in Perryville, Missouri, and SK&M's counsel will be traveling from Jefferson City to attend that hearing. Prior to that hearing, he also will be meeting with officials of the Company to discuss whether to respond to the data requests that Public Counsel has submitted. This meeting was scheduled shortly after the conclusion of the discovery conference on June 21st – several hours before either Public Counsel filed its Motion to Compel or the Regulatory Law Judge issued his order for an expedited response.

4. SK&M may want to respond to Public Counsel's Motion to Compel, but that will not be known until after counsel and the Company have had an opportunity to confer. If SK&M decides to file a response, the Company requests that it be given until 1:00 p.m. on Tuesday, June 26, 2007, to do so. That will allow the Company's counsel to return to Jefferson City from the public hearing and to prepare and file an appropriate response.

5. SK&M does not believe that its request for additional time will prejudice any party to this case. The time constraints that the Company's believes caused Judge Stearley to issue his order directing an expedited response are all the fault of the Public Counsel. The data requests that are the subject of the Motion to Compel were originally submitted approximately two and one-half months ago, and Public Counsel was formally advised of the Company's decision not to respond to those data requests on May 16, 2007. Yet the discovery conference called for under the Commission's rules was not held until June 21st – the same date the Public Counsel filed its Motion to Compel and that the Regulatory Law Judge issued his order. If, therefore, Public Counsel believes it will be prejudiced by a delay of approximately 28 hours in SK&M filing its response, that prejudice is primarily attributable to the action – or inaction – of Public Counsel itself.

WHEREFORE, for the reasons stated above, SK&M requests that it be granted additional time – until 1:00 p.m. on Tuesday, June 26, 2007 – to file a response to Public Counsel's Motion to Compel or to advise the Commission that the Company declines to file a response.

Respectfully submitted,

/s/ L. Russell Mitten

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ATTORNEYS FOR S.K. & M. WATER
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 25th day of June, 2007, to the following:

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