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Missouri Public Service Commission

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December 7, 2001

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. PRENGER
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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

FILED³
DEC 7 2001

RE: Case No. WO-2002-206

Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **NOTICE OF CONCURRENCE WITH MISSOURI AMERICAN WATER COMPANY, AMERICAN WATER WORKS COMPANY AND RWE AG.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Cliff E. Snodgrass
Senior Counsel
(573) 751-3966
(573) 751-9285 (Fax)

CES:sw
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
DEC 7 2001

Missouri Public
Service Commission

In the Matter of the Proposed Acquisition)
of Missouri-American Water Company)
and American Water Works Company by)
the German Corporation RWE AG.)

Case No. WO-2002-206

**NOTICE OF CONCURRENCE WITH MISSOURI-AMERICAN WATER COMPANY,
AMERICAN WATER WORKS COMPANY AND RWE AG**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through one of its attorneys, and for its Notice of Concurrence, states as follows:

1. On October 25, 2001, the Office of Public Counsel (OPC) requested by Motion that the Commission review the proposed acquisition of Missouri-American Water Company and American Water Works Company by RWE AG, a German Corporation (referred to generally as the Applicants).


2. The Applicants have filed responses indicating that review of this transaction by the Commission is inappropriate for jurisdictional reasons. The Applicants filed the last response to OPC's request for Commission review on December 4, 2001.

3. 4 CSR 240-2.080(16) provides that parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the Commission. The Staff's Notice of Concurrence was filed within ten days after the Applicant's last response and is therefore timely.

4. Staff has been reviewing the responses of the parties and after the filing by the Applicants on December 4, 2001, the Staff decided to state its position in the matter. While Staff appreciates the concerns voiced by OPC over the transaction, Staff respectfully disagrees with OPC that the transaction is one in which the Commission has jurisdiction. Staff believes the authority cited by the Applicants is applicable. Staff does not seek to file any additional authority for its position at this time, but merely wishes to respectfully advise both the Commission and the other parties of its position in this case.

Respectfully submitted,

DANA K. JOYCE
General Counsel


Cliff Snodgrass
Senior Counsel
Missouri Bar No. 52302

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 7th day of December, 2001.



Service List for
Case No. WO-2002-206
Revised: December 7, 2001 (SW)

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