

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

In the Matter of Missouri-American Water)
Company’s Application for a Certificate)
Of Convenience and Necessity Authorizing) File No. SA-2021-0017
it to Install, Own, Acquire, Construct,)
Operate, Control, Manage and Maintain a)
Sewer System in and around the City of)
Hallsville, Missouri.)

**DISTRICT’S MOTION FOR LEAVE TO FILE RESPONSE TO REPLY BRIEFS
OF THE STAFF AND MISSOURI-AMERICAN WATER COMPANY**

Comes now the Boone County Regional Sewer District (“District”), by counsel, and files its *Motion for Leave to File Response to Reply Briefs of the Staff and Missouri-American Water Company* (“*Motion*”) under 20 CSR 4240-2.140. The District’s *Response to Reply Briefs of Staff and MAWC* (“*Response Brief*”) is filed along with this *Motion*.

In support of its Motion, the District states as follows:

1. Under 20 CSR 4240-2.140, the Commission or Presiding Officer has discretion to authorize the filing of briefs.
2. Under the Commission’s January 20, 2021 *Order Setting Procedural Schedule*, initial briefs were due on May 4, 2021 and reply briefs were due on May 11, 2021.
3. On April 23, 2021, the Commission suspended the briefing schedule.
4. On May 28, 2021 the Commission issued its *Order on Briefing Schedule* under which initial briefs were due on June 9, 2021, and reply briefs were due on June 16, 2021.

5. All parties timely filed initial briefs and reply briefs. In their respective reply briefs, Staff and MAWC assert that the District's regulations are preempted under an appellate case issued in 2000. MAWC also makes various other arguments.
6. The District does not believe that Staff's and MAWC's assertions are supported by Missouri law and seeks leave to file its *Response Brief* to aid the Commission in evaluating the legal issues in this docket. Allowing this filing will not delay the resolution of this docket.

WHEREFORE, the District respectfully requests that it be permitted to file its *Response Brief*.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile, or electronically mailed to all parties and/or all counsels of record this 24th day of June 2021.

/s/ Jennifer S. Griffin