

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
SEP 26 2001
Missouri Public
Service Commission

Office of the Public Counsel,)
Complainant,)
)
v.)
)
Warren County Water and Sewer)
Company and Gary L. Smith)
Respondents.)

Case No. WC-2002-155

MOTION TO CONSOLIDATE CASES

COMES NOW, the Office of the Public Counsel, and respectfully moves the Missouri Public Service Commission to consolidate this case with case number SC-2002-160. This motion is made pursuant to §386.390.2 RSMo (2000) for the reason that these Complaints are identical complaints lodged against the same small water and sewer company. These complaints were filed under separate water and sewer case numbers because the concerns with the company go to both aspects of the company's operations. However, the Warren County Water and Sewer Company is a single company which conducts all business out of the same location and over the same small service territory. Mr. Gary L. Smith owns and operates the company personally, with no full time staff.

It would be an uneconomical use of Commission, Public Counsel and Company resources to continue to process this Complaint in two separate cases. Further, continued separation of these matters creates the following risks:

- 1) lowers the likelihood of settlement
- 2) increases the time which will be spent in hearings
- 3) significantly increases the amount of paper used for printing identical documents in two cases

4) will cause confusion of the issues, and dilute the showing of harm which this Company has caused to its customers

5) will significantly increase the costs the company will incur to defend against these complaints, which, if the Company prevails, that the Company may then request to have included in rates.


Section 386.390.2 RSMo provides that "all matters upon which complaint may be founded may be joined in one hearing." The Company against which Public Counsel has filed these complaints has a history of failing to provide safe and adequate water service and sewer service. Many areas in which the Company has failed to comply with this statutory duty are interrelated, such as failing to comply with testing requirements, make necessary investments in plant and failure to maintain plant in safe manner, and customer service issues.

It is anticipated that, if these cases go to hearing, the hearing will take more than one day. If the cases are not joined, significant hearing time will be wasted in the event that the case(s) cannot be settled, by revisiting the issues in each hearing.

WHEREFORE, Public Counsel respectfully moves that the Commission consolidate WC-2002-155 and SC-2002-160 for all further proceedings, including, but not limited to, hearings and the filing of motions, testimony and briefs.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 26th day of September 2001:

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