

STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

FILED³

AUG 24 2000 *mh*

Missouri Public
Service Commission

In the Matter of Missouri-American)
Water Company's Tariff Sheets De-)
signed to Implement General Rate)
Increases for Water and Sewer Ser-)
vice provided to Customers in the)
Missouri Service Area of the Compa-)
ny)

WR-2000-281
SR-2000-282
(Consolidated)

OBJECTION TO PUBLIC COUNSEL LATE-FILED EXHIBIT
BY ST. JOSEPH INDUSTRIAL INTERVENORS,
AND CITY OF JOPLIN

COME NOW Intervenor AG PROCESSING INC, A COOPERATIVE ("AGP"), FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE ROPE CORPORATION OF AMERICA INC. ("Wire Rope") (collectively herein "St. Joseph Industrial Intervenor") joined by City of Riverside ("Riverside") and City of Joplin ("Joplin") and object to the late-filed exhibit of Public Counsel on the following grounds:

1. The proffered late-filed exhibit of Public Counsel is objectionable and should be denied admission on the following grounds:

a. The exhibit constitutes incompetent evidence. It has not been properly authenticated by its preparer or preparers, nor have such preparers even been identified, and the foundation therefore is legally insufficient.

b. The exhibit has not been subjected to cross-examination, which these parties do not waive, and therefore

240

cannot form the lawful basis of any Commission order or decision in this proceeding.

2. Furthermore, that with respect to the above-referenced late-filed exhibit of Public Counsel, although certain aspects of these exhibits may not represent positions different than the tendering party's previous positions on selected issues are (which cannot be established without cross-examination of the respective exhibits), and since some parties have sought to argue many of the issues in the case on the basis of impact rather than on the legal and lawful basis of such issues, these parties also object to the Commission's use by or reliance on these exhibits in that such use or reliance creates the appearance, if not the reality, that the important issues in the case of prudence of alternative selection and legality of Single Tariff Pricing would be or are being decided or approached by the decision maker, not from the perspective of deciding such issues on the basis of the record on those respective issues, but rather from the incorrect and objectionable basis of seeking to identify impacts that are perceived as acceptable, then making the more basic decisions in or to support that predetermined result. That approach would be a reversal of the correct and lawful approach, and must be objected to by these parties in order to protect the record in this proceeding for any possible appeal. Accordingly, each late filed exhibit is objected to on this additional ground.

WHEREFORE, St. Joseph Industrial Intervenors, City of Riverside and City of Joplin pray that the foregoing late filed exhibit be denied admission into the record of this proceeding on the grounds aforesaid.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



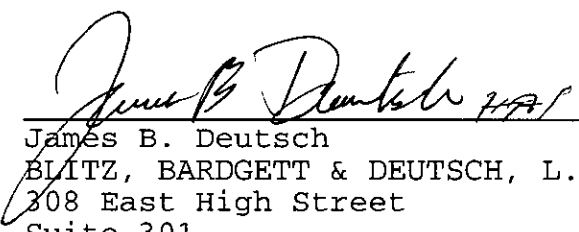
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by hand delivery or U.S. mail, postage prepaid addressed to the following persons:

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Dated: August 24, 2000



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