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May 15, 2002

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City MO 65109

Re: Case NO. WC-2002-155 (Consolidated with SC-2002-160)

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight Copies of Office of the Public Counsel's Objection to Respondent's Motion to Continue the Evidentiary Hearing. Please "file" stamp the extra-enclosed Copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,


M. Ruth O'Neill
Assistant Public Counsel

MRO:jb

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Office of the Public Counsel,
Complainant,

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v.

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Case No. WC-2002-155

Warren County Water and Sewer
Company and Gary L. Smith,
Respondents.

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OFFICE OF THE PUBLIC COUNSEL'S OBJECTION TO
RESPONDENT'S MOTION TO CONTINUE THE
EVIDENTIARY HEARING

COMES NOW, the Office of the Public Counsel (Public Counsel), and hereby objects to the Motion to Continue the Evidentiary Hearing filed in this Case by the Respondents, Warren County Water and Sewer Company and Gary L. Smith. The evidentiary hearing is scheduled to begin Monday, June 3, 2002. Public Counsel has previously informed Counsel for the respondents that it would oppose any attempt to Continue the evidentiary hearing in this Case, because of the ongoing, serious nature of the Company's failure to provide safe and adequate service, and the long history of the Company management's knowing disregard for its statutory and regulatory obligations. Public Counsel believes that the Respondent has no legitimate reason to request a continuance, and that this request is being made for the sole purpose of delaying the prompt and just resolution of this Case. Further delay of this hearing will further subject the Company's Customers to unsafe and inadequate water and sewer service. In support of this motion in opposition, Public Counsel states the following:

1) The Office of the Public Counsel filed its Complaint against the Respondents in September 2001. The Complaint sets forth numerous ongoing violations of the Company's duty to provide safe and adequate service.

2) Subsequent to the filing of direct testimony, the Respondent, Gary Smith, was found to have violated his federal felony probation by Continuing to discharge raw sewage in violation of the Clean Water Act, due to acts and omission concerning the Respondent Company's sewer service.

3) Public Counsel has subpoenaed witnesses from the United States Environmental Protection Agency (EPA) and the Missouri Department of Natural Resources (DNR), who have pre-filed written surrebuttal testimony in this Case. These witnesses work outside the Jefferson City area. They have re-arranged their schedules in order to be present to provide testimony in this Case.

4) This Company has failed to comply with prior Commission orders on a regular basis. The Company has failed to Comply with Missouri law by transferring its assets into an unregulated affiliate Company without Commission approval. Although the Company's owner/manager professed ignorance of the legal requirement that he obtain Commission approval for such a transaction, and despite his assurances that he would "undo" the transaction, substantial assets of the Company Continue to be titled in the name of the unregulated affiliate Company.

5) Following the filing of surrebuttal testimony, Public Counsel has received no requests for discovery from the respondent. There are no

outstanding data requests issued by the respondent in this Case. The Respondent has had ample time to prepare for this hearing.

6) At the local public hearing in this Case, held in March 2002, the Company's customers described many service problems they have personally experienced. In addition, these Customers Conveyed their frustration at their inability to obtain any final result after their years of Complaining about this Company to the Commission staff and the Office of the Public Counsel. The serious nature of the Company's unsafe and inadequate service requires prompt resolution of this Case. Further delay will neither protect the Company's Customers nor serve the public interest.

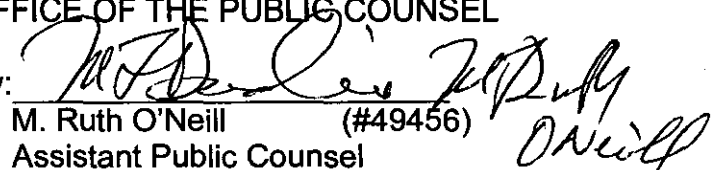
Public Counsel respectfully informs the Commission that it is adamantly opposed to granting a continuance of the evidentiary hearing in this Case.

WHEREFORE, Public Counsel respectfully requests that the Motion to Continue the evidentiary hearing be denied.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:


M. Ruth O'Neill (#49456)
Assistant Public Counsel
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CERTIFICATE OF SERVICE

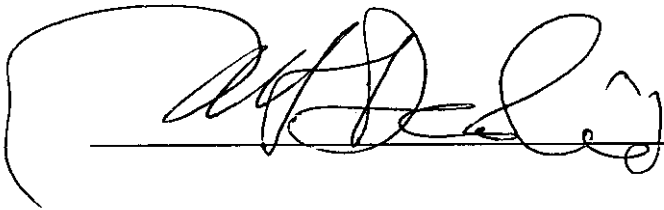
I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 29th day of May 2002:

GENERAL COUNSEL

Missouri Public Service Commission
P O Box 360
Jefferson City MO 65102

PAUL S DEFORD

Lathrop & Gage
2345 Grand Boulevard Suite 2500
Kansas City MO 64108-2684

A handwritten signature in black ink, appearing to read "Paul S. DeFord", is written over a horizontal line. The signature is stylized with large, flowing loops.