

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

In the Matter of Missouri American)
Water Company’s Request for)
Authority to Implement General Rate) **File No. WR-2020-0344**
Increase for Water and Sewer Service)
Provided in Missouri Service Areas)

In the Matter of Missouri American)
Water Company’s Request for)
Authority to Implement General Rate) **File No. SR-2020-0345**
Increase for Water and Sewer Service)
Provided in Missouri Service Areas)

**MOTION TO FILE SURREBUTTAL TESTIMONY OF MAYOR KATHLEEN L. ROSE
FOR INTERVENOR CITY OF RIVERSIDE, MISSOURI, OUT OF TIME**

COMES NOW, the Intervenor City of Riverside, Missouri (“City”), a fourth class city, located in the County of Platte, State of Missouri, and located in the Platte County Water District, by and through undersigned Counsel, and pursuant to 20 C.S.R. 4240-2.050 of the Rules of Practice and Procedure, respectfully request the Public Service Commission of the State of Missouri (“Commission”) to permit the City to file in the above-referenced case out of time the surrebuttal testimony of Mayor Kathleen Rose, attached hereto to as Exhibit 1, and incorporated herein, in order to oppose the position taken in the direct, rebuttal and surrebuttal testimony offered by the Office of Public Counsel in regard to rate design and the adoption of a consolidated single tariff. In support of this application, Riverside offers the following suggestions in support thereof:

1. The City of Riverside is a fourth class city, operating pursuant to §79.010 - 79.600. RSMo, located in the County of Platte, State of Missouri, and as such is a customer within the Platte County service area of Missouri-American Water Company (“MAWC”), as are the citizens

and businesses of Riverside whose health, safety and welfare interests it would also represent in this case. The City Hall is located at 2950 NW Vivion Road, Riverside, MO 64150.

2. This case arose when MAWC submitted a request to implement a general rate increase for water and sewer service areas.

3. The City has a police power interest in MAWC's exercise of its duties and obligations that is different from the interest of the general public.

4. In addition, the City also has an interest in the welfare of its citizens, who receive their water service from MAWC, which is different from the interest of the general public.

5. The Missouri Public Service Commission has previously recognized the City's interest in proceedings affecting the rates for water service in the MAWC Platte County District in permitting the City's intervention in prior MAWC rate-related proceedings, including File No. WR-2010-0131, File No. WR-2011-0337, File No. WR-2015-0301, Case No. WR-2017-0285, and Case No. SR-2017-0286.

6. On September 3, 2020, the Commission issued an Order Amending the Procedural Schedule and directed that the Surrebuttal Testimony of all Parties be submitted by February 9, 2021.

7. Due to the inability of undersigned Counsel to retain the notarized signature of Mayor Kathleen Rose due to unavoidable scheduling conflicts, undersigned counsel was unable to file her surrebuttal testimony in a timely fashion.

8. Thus, intervention is being sought out of time with respect to the Amended Procedural Schedule, but within the Discovery time period of the case.

9. Such failure was a genuine unavoidable scheduling conflict and was not the result of any intent to delay or prejudice this proceeding.

10. The responsibility for filing out is purely the fault of the undersigned counsel, not the City.

11. No prejudice will be suffered by MAWC or other parties as the City's testimony is consistent with the testimony offered in previous cases in regard to single tariff pricing.

12. As part of its inherent authority, the Commission may grant relief from deadlines or otherwise allow filings out of time when they serve the public interest.

13. Specifically, 20 CSR 4240-2.050(3)(B) authorizes the Commission to allow a filing out of time, "when the failure to act was the result of excusable neglect or for other good cause shown."

14. The City desires to participate fully in this proceeding, including hearing and the briefing of the issues.

WHEREFORE, for the foregoing reasons, Riverside, Missouri, respectfully requests that the Commission grant its Motion to File the Surrebuttal Testimony of Mayor Kathleen L. Rose in this matter, in response to the testimony of the Office of Public Counsel.

Respectfully submitted,

/s/ Joseph P. Bednar, Jr.

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Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via the Public Service Commission's (PSC's) electronic filing system (EFIS), on this 10^d day of February 2021, upon all individuals, parties and interveners and/or their counsel who have entered their appearances in this case on EFIS.

/s/ Joseph P. Bednar, Jr _____