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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the request of)
Capital City Water Company for a)
variance from Commission Rule)
4 CSR 240-13.020(9)(C).)

CASE NO. WQ-95-6

DISSENTING OPINION OF COMMISSIONER HAROLD CRUMPTON

I respectfully agree in part and dissent in part with the opinion of the majority in this case. The Discontinuance of Water Service Agreement between Capital City Water Company (Capital City) and the City of Jefferson City, Missouri (Jefferson City), is reasonable and similar to agreements previously approved by this Commission, and is in the public interest. However, the Request for Variance filed by Capital City is unjustified and not adequately supported by the facts of this case. The mere statement by Capital City in a Request for Variance that it would cost Capital City customers \$118,240 - \$341,200 for Capital City to comply with Commission Rule 4 CSR 240-13.020(9)(C), does not constitute substantial evidence. It is merely an unsupported allegation. Further, the claim that the cost of providing this information i.e., \$118,240 - \$341,200, should be borne by Capital City customers is without adequate foundation.

First, Capital City is a customer of GW Service Corporation (GW Service) and receives a billing service from them. Secondly, GW Service is providing billing service to Jefferson City for its sewer system. The record shows that GW Service can provide the billing service for Capital City in compliance with Commission Rule 4 CSR 240-13.0-20(9)(C), so no variance is required.

No benefit accrues to Capital City as a result of this variance. The savings realized from this variance flow to the shareholders of GW Service only.

The Commission, as a result of this incomplete record, may have approved a substantial savings for GW Service without benefiting Capital City's customers. This record is incomplete because the contracts between GW Service, Capital City, and Jefferson City were not included. Therefore, I dissent from the majority on this issue. It is my belief that the Commission Staff should look very closely at the relationship between Capital City and GW Service in the next rate case.

Respectfully submitted



Harold Crumpton
Commissioner

(S E A L)

Dated at Jefferson City, Missouri,
on this 25th day of May, 1995.