

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

In the Matter of the Joint Application of	)	
Silverleaf Resorts, Inc. and Algonquin Water	)	
Resources of Missouri, LLC for Authority	)	
for Silverleaf Resorts, Inc. to Sell Certain	)	Case No. WO-2005-0206
Assets to Algonquin Water Resources of	)	SO-2005-0207
Missouri LLC and, in Connection Therewith,	)	
Certain Other Related Transactions.	)	

**MOTION FOR LEAVE TO FILE  
SURREBUTTAL TESTIMONY OF JOEL L. WADE**

COMES NOW Silverleaf Resorts, Inc. (Silverleaf) and Algonquin Water Resources of Missouri, LLC (Algonquin), and, as their Motion for Leave to File the Surrebuttal Testimony of Joel L. Wade, states as follows to the Missouri Public Service Commission (Commission):

1. The Commission’s Order Adopting Procedural Schedule, issued May 10, 2005, directed that surrebuttal testimony be filed by July 11, 2005. On July 11, 2005, Silverleaf filed the Surrebuttal Testimony of Joe W. Conner and Michael J. Brown.

2. The Joint Applicants seek to additionally provide at this time the Surrebuttal Testimony of Joel L. Wade. Mr. Wade was on vacation the week of July 4, 2005, and was traveling home on July 11, 2005. As a result, he was unable to complete his surrebuttal testimony by July 11, 2005. Algonquin had thought that it would be able to communicate with Mr. Wade during his absence so that the testimony could be completed in a timely manner. However, difficulties with electronic mail thwarted this plan.

3. Attached hereto is Mr. Wade’s Surrebuttal Testimony. This testimony responds to certain excess capacity issues raised by the Commission Staff. This testimony is being provided to the Commission and parties three days out of time and two weeks prior to the start of the hearing.

4. Additionally, Mr. Wade's testimony responds to the Rebuttal Testimony of Staff witness Merciel. Mr. Merciel states that the issue he addresses does not directly affect the determination of whether the proposed sale of Silverleaf's assets to Algonquin meets the applicable standard of not being detrimental to the public interest. (Merciel, Reb., p. 6). He further states that he merely wants to ensure that Algonquin and the Commission are "fully aware of the excess capacity issue, and the position that the Staff would take on that issue in a rate case." (*Id.*).

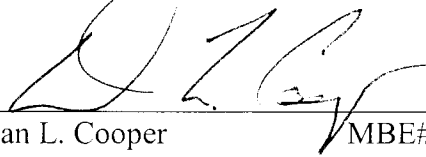
5. Commission Rule 4 CSR 240-2.050(3) provides that the Commission may, at its discretion, permit an act to be done out of time where the failure to act was the result of excusable neglect.

6. The attached surrebuttal testimony will provide information that would otherwise not be available. It is being filed out of time because of the witness' absence from his place of work and as the result of communications difficulties. Because two weeks remain prior to the hearing of this matter, Silverleaf and Algonquin believe that a grant of this motion should not prejudice the other parties.

WHEREFORE, Silverleaf and Algonquin move the Commission for leave to file the

Surrebuttal Testimony of Joel L. Wade, attached hereto.

Respectfully submitted,



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ATTORNEYS FOR SILVERLEAF RESORTS, INC.  
AND ALGONQUIN WATER RESOURCES OF  
MISSOURI, LLC

### CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by U.S. Mail, postage prepaid, or electronic mail, on July 14, 2005, to the following:

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