

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

In the Matter of the Application of	)	
Highway H Utilities, Inc. for Authority to Sell	)	
Certain Water System Assets to the City of	)	File No. WO-2012-0211
Waynesville, Missouri, and, in Connection	)	
Therewith, Certain Other Related Transactions.	)	

**RESPONSE TO STAFF MOTION**

COMES NOW Highway H Utilities, Inc. (Highway H), and, in response to Staff's Motion for Extension of Time and Request for Local Public Hearing (Staff Motion), states the following to the Missouri Public Service Commission (Commission):

1. The Staff Motion requests that the Commission set this matter for a local public hearing on February 15, 16 or 17, 2012, or in the alterative, March 5, 6 or 7, 2012, and extend the Staff's deadline for filing a recommendation or status update in this matter until April 2, 2012.

2. Staff states as the basis for this request that "Staff has received several public comments since the Application was field and, in order to address some of the issues raised in those comments, Staff requests that the Commission schedule a local Public Hearing." Staff Motion, para. 5.

3. A review of docket in EFIS reveals that as of this date, a total of five public comments have been received. Of those, four merely ask for additional information.<sup>1</sup> Highway H would suggest that there may be less expensive and time consuming ways than a local hearing to satisfy these four persons' requests for additional information. One way, for example, would be to simply direct the City of Waynesville to contact these four customers and provide information

---

<sup>1</sup> The fifth generally states that he/she does not want to deal with the City of Waynesville.

related to Waynesville's proposed operation of the Hunters' Pointe system.

4. The Commission has stated previously that it "is mindful that the right to sell property is an important incident of the ownership thereof and that '[a] property owner should be allowed to sell his property unless it would be detrimental to the public.' *State ex rel. City of St. Louis v. Public Service Commission*, 335 Mo. 448, 459, 73 S.W.2d 393, 400 (Mo. banc 1934). 'The obvious purpose of [Section 393.190] is to ensure the continuation of adequate service to the public served by the utility.' *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo. App., E.D. 1980).<sup>2</sup>

5. This proposed sale is between two established operators of water systems. The City of Waynesville is a public entity that owns, operates and maintains electric, natural gas and water distribution systems to include approximately 1,795 existing water customers.<sup>3</sup> Highway H will continue to exist at the conclusion of the proposed transaction.

6. If the Commission decides to set this matter for a local public hearing, Highway H would encourage the Commission to do so as soon as possible. Staff has suggested either February 15, 16 or 17, 2012, or March 5, 6 or 7, 2012. Given these two sets of possible hearing dates, Highway H would prefer the February dates so that this matter can move forward to a Staff recommendation as expeditiously as possible.

WHEREFORE, Highway H respectfully requests that the Commission issue its order issue

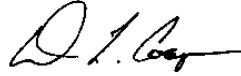
---

<sup>2</sup> *In the Matter of the Joint Application of Missouri-American Water Company and United Water Missouri, Inc.*, Report and Order, Case No. WM-2000-222 (March 16, 2000).

<sup>3</sup> Application, para. 3.

its order setting a local public hearing for February 15, 16 or 17, 2012.

Respectfully submitted,



---

Dean L. Cooper MBE #36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 voice/(573) 635-0427 facsimile  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

ATTORNEYS FOR HIGHWAY UTILITIES, INC.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to the following this 2<sup>nd</sup> day of February, 2012:

Tanya Alm  
Rachel Lewis  
Office of the General Counsel  
Missouri Public Service Commission  
Governor State Office Building  
Jefferson City, Missouri 65101  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)  
[Rachel.lewis@psc.mo.gov](mailto:Rachel.lewis@psc.mo.gov)  
[Tanya.alm@psc.mo.gov](mailto:Tanya.alm@psc.mo.gov)

Christina Baker  
Office of the Public Counsel  
Governor State Office Building  
Jefferson City, Missouri 65101  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)  
[Christina.baker@ded.mo.gov](mailto:Christina.baker@ded.mo.gov)

Ralph Muxlow  
[ralphmuxlow@gmail.com](mailto:ralphmuxlow@gmail.com)

