

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

Office of the Public Counsel)	
)	
v.)	Case No. WC-2007-0038
)	
Central Jefferson County Utilities, Inc.)	

**OBJECTION TO AND MOTION IN LIMINE CONCERNING THE
DIRECT TESTIMONY OF TED ROBERTSON**

COMES NOW Central Jefferson County Utilities, Inc. (Central Jefferson or Company), and, as its Objection to and Motion in Limine Concerning the Direct Testimony of Ted Robertson, states as follows to the Missouri Public Service Commission (Commission):

1. On October 2, 2006, the Office of the Public Counsel (Public Counsel) filed the Direct Testimony of Ted Robertson in support of its complaint in this case.

2. Mr. Robertson's Direct Testimony admits facts that form the basis for this objection and motion. His testimony states in relevant part that he "relied on the Exhibit Manipulation System (EMS) accounting schedules and workpapers developed by the MPSC Staff during their audit." Robertson Dir., p. 3. Mr. Robertson stated very generally his "understanding" that personnel in the St. Louis, Missouri, office of the MPSC" had responsibility for the audit and for preparation of the work papers. *Id.* at p.

3-4. Mr. Robertson's testimony failed to reveal any participation in, or responsibility for, the audit he attempts to present to the Commission.

3. Mr. Robertson's testimony contained no conclusion as to over earning other than to state what the Staff documents "indicate" and "show." *Id.* at p. 5.

4. The objectionable nature of Mr. Robertson's Direct Testimony is further supported by the Rebuttal Testimony of Dale W. Johansen that has been field in this case. Mr. Johansen points out that Public Counsel's "complaints are based upon the Staff's work product", that "the Staff's work product relied upon by the [Public Counsel] was not, and is not, yet a 'completed' work product," and that the audit findings "should be considered preliminary and 'incomplete.'" Johansen Reb., p. 3, 7.

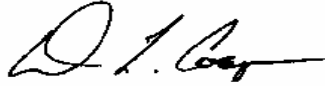
5. Central Jefferson therefore objects to Mr. Robertson's Direct Testimony and asks that it be stricken on the bases that it is hearsay, Mr. Robertson lacks personal knowledge of the matters to which he is attempting to testimony and in that Mr. Robertson is unable to provide a proper foundation for the subject information.

6. Mr. Robertson has attempted to adopt the work product of another party – Staff - for use against Central Jefferson. This is work product that was prepared without his assistance or supervision and of which he has no personal knowledge. Moreover, it is work product that the Staff itself describes as "preliminary" and "incomplete." The testimony is therefore inadmissible. The Public Counsel should be prohibited from presenting it to the Commission and/or it should be stricken.

WHEREFORE, Central Jefferson respectfully requests that the Commission

sustain this objection and strike the Direct Testimony of Ted Robertson.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first electronic transmission, on this 31st day of January, 2007, to the Christina Baker, Office of the Public Counsel and to Keith Krueger, Office of the General Counsel, Missouri Public Service Commission.

