

FILED²

MAR 26 2002

Missouri Public
Service Commission

STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of Missouri-American)
Water Company's Tariff Sheets De-)
signed to Implement General Rate)
Increases for Water and Sewer Ser-)
vice provided to Customers in the)
Missouri Service Area of the Compa-)
ny)

WR-2000-281
SR-2000-282
(Consolidated)

INFORMATION REGARDING REMAND PROVIDED BY
AG PROCESSING INC, A COOPERATIVE,
FRISKIES PETCARE, A DIVISION OF NESTLE USA AND
WIRE ROPE CORPORATION OF AMERICA INC.
GILSTER MARY-LEE CORPORATION AND
CITY OF RIVERSIDE, MISSOURI

COME NOW AG PROCESSING INC, A COOPERATIVE ("AGP"),
FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE
ROPE CORPORATION OF AMERICA INC. ("Wire Rope") (hereinafter
collectively "St. Joseph Industrial Intervenors"), CITY OF RIVER-
SIDE, MISSOURI ("Riverside"), and GILSTER MARY-LEE CORPORA-
TION("Gilster"), and, without prejudice to their pending Applica-
tions for Rehearing herein, provide the following information:

1. The remand order from the Circuit Court of Cole
County in Case Nos. 00CV325014, 00CV325196, 00CV325206, 00CV3252-
18, 00CV325217, 00CV325222, and 00CV325220 ruled that the Commis-
sion had failed to provide adequate findings of fact supporting
its decision to:

- a. move toward District Specific Pricing (DSP) for
all districts other than the Joplin District and
continue to require the Joplin District to subsi-
dize the other districts on the system;
- b. make substantial increases in rates without phas-
ing-in the rates to avoid rate shock; and

- c. the proper cost associated with serving customers served from transmission mains that were 10" or greater in diameter, an issue which the Commission failed to address at all.

2. Upon remand, the Commission should comply with the Court's remand order by providing such findings of fact as it believes support its decision to:

- a. require Joplin customers to subsidize other districts;
- b. not phase-in rates despite the rate shock experienced by the majority of customers; and
- c. make a decision on the issue of the proper treatment of the costs associated with customers served from large transmission mains and provide adequate findings of fact to support its decision.

3. The Circuit Court remanded the case to the Commission to make findings of fact on all three issues. The Circuit Court did not remand the case to the Commission for additional hearings, nor for the taking of additional evidence. The evidence on the record is sufficient to support adequate findings on the issues. Indeed, further hearings and taking additional evidence would, rather, demonstrate that the Commission's initial decision on these issues was completely arbitrary and unsupported by competent and substantial evidence in the first place as is contended by these parties.

4. If by engaging in the process of developing findings of fact on these issues, the Commission should discover that its earlier decisions on these issues were not supported by the evidence and thus cannot be supported by findings of fact, and that findings of fact that are supported by competent and


substantial evidence would result in a different conclusion and decision on these issues, the Commission should modify its decision and result on these issues in accordance with the evidence.

5. These parties object to the continued involvement of Kevin Thompson herein as hearing examiner in this matter, he being disqualified from further activity in this matter by the explicit provisions of Section 536.083 RSMo. 2000. These parties have filed an Application for Rehearing regarding Mr. Thompson's continued activity in this matter, which Application has not been ruled upon by the Commission.

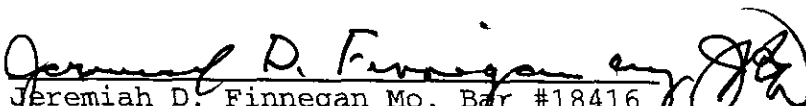
WHEREFORE, without prejudice to its objections to the continued involvement of Kevin Thompson herein as hearing examiner and to its pending Applications for Rehearing, these parties state the foregoing.

Respectfully submitted,

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ATTORNEYS FOR CITY OF RIVERSIDE,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by U.S. mail, postage prepaid addressed to the parties of record or their representatives as disclosed by the Commission's records in this proceeding.

Dated: March 26, 2002.


Stuart W. Conrad