

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

In the Matter of Missouri-American Water	)	
Company's Tariff Sheets Designed to Implement	)	<b>Case No. WR-2000-281</b>
General Rate Increases for Water and Sewer	)	Tariff No. 200000366
Service Provided to Customers in the Missouri	)	Tariff No. 200000367
Service Area of the Company.	)	

**ORDER CONCERNING PUBLIC COUNSEL'S**  
**SECOND MOTION TO COMPEL**

On March 31, 2000, the Office of the Public Counsel (Public Counsel) filed its Second Motion to Compel and Request for Expedited Consideration, in which Public Counsel asserted that its ability to timely file its direct testimony in this case was impaired due to the failure of Missouri-American Water Company (MAWC) to respond to several Data Requests (DRs).

On April 4, 2000, in order to promptly resolve this dispute and maintain the progress of this case toward resolution, the Commission by Order shortened the time for response to this motion. MAWC timely filed its response on April 6, 2000, asserting that it had responded to all of Public Counsel's DRs and moving that Public Counsel's motion, consequently, be denied. Public Counsel filed no reply, although the Order of April 4, 2000, allowed it to file such up to 1:00 p.m. on Friday, April 7, 2000.

As Public Counsel has not replied in opposition to MAWC's response, the Commission necessarily concludes that Public Counsel has abandoned its Second Motion to Compel.

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**IT IS THEREFORE ORDERED:**

1. That Public Counsel's Second Motion to Compel is denied.
2. That this order shall become effective on April 21, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Kevin A. Thompson, Deputy Chief  
Regulatory Law Judge, by delegation  
of authority pursuant to 4 CSR  
240-2.120(1), (November 30, 1995)  
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 11th day of April, 2000.