

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

**In the Matter of the General Rate  
Increase for Water and Sewer Service  
Provided by Missouri-American Water  
Company.**

**Staff of the Missouri Public Service  
Commission,**

**Complainant,**

**v.**

**Missouri-American Water Company,**

**Respondent.**

**Case No. WR-2003-0500  
Lead Case**

**Case No. WC-2004-0168**

**RESPONDENT MISSOURI-AMERICAN WATER COMPANY'S RESPONSE  
TO STAFF'S MOTION TO SUPPLEMENT  
THE DIRECT TESTIMONY OF DENNIS PATTERSON**

**COMES NOW** Respondent Missouri-American Water Company ("MAWC"), and in response to the *Motion to Supplement the Direct Testimony of Dennis Patterson* filed by Staff, states the following:

1. It is the conviction of MAWC that the purpose of the Commission's Rules of Procedure and its associated filing requirements is to advance the search for the truth in an orderly and expedient fashion, without disadvantage to the interests of other parties or the process itself.

2. The object of the filings and conferences in this case has been, ideally, to reach the point where the parties can present to the Commission only those issues about which there is material disagreement.

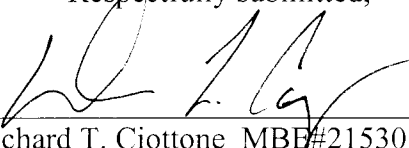
3. MAWC does not accept Staff's allegations with respect to "fault" for Mr. Patterson's belief that his Direct Testimony does not represent the facts as he now believes them to be true, but MAWC does not believe that Staff's Motion should be resolved on the issue of fault. Rather, MAWC believes that Mr. Patterson should be permitted to refile his Direct Testimony, provided that it meets the above characterization with respect to MAWC's belief concerning the purpose of procedural rules.

4. Having only access to the characterizations in Staff's Motion regarding the changes Mr. Patterson seeks to make, it is MAWC's belief that certain data referenced therein is incorrect or inappropriate, and that the use of such data might confuse, rather than advance the process. Furthermore, it is MAWC's belief that Staff may agree with this conclusion, given the opportunity to discuss the matter as would have happened in the prehearing conference, had Mr. Patterson's Direct Testimony been originally filed as Staff now seeks to file it.

5. Accordingly, it is in the interest of all parties, in the interest of the advancement of the process, and an express condition to Respondent's acquiescence to Staff's Motion that an additional prehearing conference be scheduled, as soon as reasonably possible, to discuss aspects of the weather normalization issue which threaten to become irrevocably confused, absent some agreement on which data is appropriate and which is the subject of genuine disagreement.

WHEREFORE, Respondent objects to Staff's Motion, unless Staff is required to first discuss Mr. Patterson's concerns with MAWC and other interested parties prior to the filing of any Direct Testimony which could otherwise begin the unnecessary sorting of inappropriate data through structured, formal filings that will not advance the interests of any party to this proceeding.

Respectfully submitted,



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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 26<sup>TH</sup> day of November, 2003.

