

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

The Office of the Public Counsel,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>File No. WC-2016-0252</u>
	)	
Moore Bend Water Utility, LLC,	)	
	)	
Respondent.	)	

**POSITION STATEMENTS OF MOORE BEND WATER UTILITY, LLC**

In accordance with the Commission’s December 7, 2016, *Order Modifying Procedural Schedule*, Respondent, Moore Bend Water Utility, LLC (“Moore Bend” or “the Company”), files the following statements of position:

**ISSUE 1:** Does the evidence establish that Moore Bend Water Utility, LLC, (“Moore Bend”) employs a certified water supply operator in accordance with Missouri Department of Natural Resources (“DNR”) and Missouri Public Service Commission (“Commission”) regulations as well as requirements articulated by DNR for this system?

**POSITION:** Although at various times since the date the Office of the Public Counsel filed its complaint Moore Bend was unable to retain the services of a certified water supply operator, the evidence will establish that since January 1, 2017, an operator certified by DNR has been under contract and providing service to the Company.

**ISSUE 2:** Does the evidence demonstrate Moore Bend complies with water testing and reporting requirements in accordance with DNR and Commission regulations?

**POSITION:** The evidence will demonstrate Moore Bend has substantially complied with water testing and reporting requirements established by DNR and the Commission, and that at all times since the Company's acquisition of the system water provided to customers has been safe to drink.

**ISSUE 3:** If the evidence demonstrates Issues 1-2, is Moore Bend providing safe and adequate water to its customers?

**POSITION:** The evidence will demonstrate that at all times since Moore Bend acquired the system from its previous owner the Company has provided safe and adequate water to its customers.

**ISSUE 4:** If the Commission finds that Moore Bend is not compliant with the DNR and Commission regulations, should the Commission direct its general counsel to seek monetary penalties against the Company?

**POSITION:** The evidence will show Moore Bend has substantially complied with applicable DNR and Commission regulations. But even if the evidence shows instances of non-compliance, the Commission should not direct its general counsel to seek monetary damages against the Company, because such action would not be in the public interest.

Respectfully submitted,

**/s/ L. Russell Mitten**

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**ATTORNEYS FOR  
MOORE BEND WATER UTILITY, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2017, an electronic copy of the foregoing filing was served, via e-mail, on counsel for each party of record.

**/s/ L. Russell Mitten**