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January 17, 2002

Hon. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Mo 65102

Attn: Filing Desk

Re: Environmental Utilities, LLC
WA-2002-65

Dear Judge Roberts:

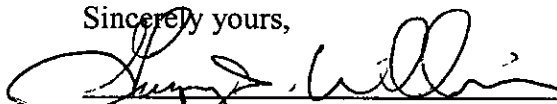
Please find enclosed for filing in the above referenced matter the original and 9 copies of the following:

1. Response to Motion to Establish Local Public Hearing.

An additional copy of the same is also enclosed to be stamped "filed" and returned to me in the enclosed envelop.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely yours,


Gregory D. Williams

cc: Ruth O'Neill
Victoria Kizito
Thomas E. Loraine

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Missouri Public
Service Commission

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JAN 23 2002

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the matter of the application of Environmental Utilities, LLC)
for permission, approval, and a certificate of convenience and)
necessity authorizing it to construct, install, own, operate,) Case No. WA-2002-65
control, manage and maintain a water system for the)
public located in unincorporated portions of Camden County,)
Missouri (Golden Glade Subdivision).)

RESPONSE TO MOTION TO ESTABLISH LOCAL PUBLIC HEARING

COMES NOW the Applicant Environmental Utilities, LLC in the above captioned matter and for its Response to the Motion to Establish Local Public Hearing filed herein by non-parties identifying themselves as "the Homeowners Associations of Harbour Ridge and Eagle Woods" states:

1. Generally, the Applicant is not opposed to anyone within reasonable proximity to the proposed service area making a request that the applicant provide them with public water utility service subject to the regulation of the Public Service Commission, and the Applicant has proposed specific tariff rules to provide such potential customers with a basis for their determination whether such service by the Applicant would be beneficial to such customers.
2. The Applicant has neither a request for service nor a contract for service from anyone residing in either Eagle Woods Subdivision or Harbour Ridge Subdivision, nor a telephone call, letter, memorandum or other communication inquiring as to the possibility of such service.
3. Eagle Woods Subdivision presently receives public water and sewer utility service from Osage Water Company as ordered by the Commission in WA-99-437. An interconnect between the Applicant's proposed water system and the OWC water system serving Eagle Woods is proposed as part of the Applicant in this case.

4. There is no identification in the pleading requesting a local public hearing as to the person or persons requesting such a hearing, nor does the pleading purport to be submitted to the Commission on behalf of an incorporated association, although there was evidence in WA-99-437 that indicated that there is an incorporated homeowner's association in the Eagle Woods development. Thus, the Commission is left without knowledge or information as to the identity or identities of the person or persons who have requested that the Commission hold a local public hearing.
5. The pleading is tendered on behalf of a person or persons who are not parties to this proceeding. Generally, the Commission's Rules require an "Application to Intervene" which states "good cause" for failure to request leave to intervene out of time.
6. The pleading fails to state that the person or persons who are not parties to this proceeding have an interest in the subject matter of this proceeding which is different from that of the general public at large, such that their interest is not adequately represented by the Office of Public Counsel. In fact, the pleading fails to state that the person or persons requesting a local public hearing have any interest whatsoever in the Golden Glade Service Area or the water system serving that area or the Applicant's request for approval to acquire and operate that water system as a regulated public utility.
7. The Request for a Local Public Hearing is improper and untimely in that: 1) No Application to Intervene has been filed; 2) the person or persons who have filed the request are not identified or identifiable; 3) the person or persons who have filed the request have not contacted the Applicant to request or discuss the availability of service to their properties; 4) some of the purported Applicants already receive water utility service from another public utility company.

8. While the Applicant generally does not oppose an opportunity for public input in this proceeding, the foregoing issues indicate that this request is not properly made by a proper party to this proceeding, and the framing of the Request indicates that granting the same may provide an opportunity for unidentified persons without a legitimate interest in the subject matter of this proceeding to "back door" an opportunity to present testimony herein without first contacting the Applicant to address their concerns through a contractual relationship.

WHEREFORE, Environmental Utilities, LLC prays for an Order of this Commission denying the Motion to Establish Local Public Hearing.



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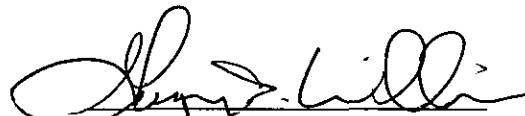
CERTIFICATE OF SERVICE

I, Gregory D. Williams, do hereby certify that a true copy of the foregoing was on this 17 day of January, 2002, mailed, postage prepaid, to the following:

M. Ruth O'Neill
Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Victoria Kizito
General Counsel, Missouri Public Service Commission
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