

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

Office of the Public Counsel)	
)	
v.)	Case No. WC-2007-0038
)	
Central Jefferson County Utilities, Inc.)	

Office of the Public Counsel)	
)	
v.)	Case No. SC-2007-0039
)	
Central Jefferson County Utilities, Inc.)	

**OPPOSITION TO REQUEST FOR LOCAL PUBLIC HEARING
UNTIL AFTER FILING OF REBUTTAL TESTIMONY**

COMES NOW Central Jefferson County Utilities, Inc. (Central Jefferson), and, in opposition to the Public Counsel's Request for Local Public Hearing, states as follows to the Missouri Public Service Commission (Commission):

1. On September 20, 2006, the Office of the Public Counsel (Public Counsel) filed a Request for Local Hearing in this matter. Public Counsel asks that such a "public hearing be held expeditiously, consistent with adequate notice to customers and the Commission's schedule."

2. Central Jefferson objects to the scheduling of a local public hearing in this case until after the filing of rebuttal testimony.

3. On September 26, 2006, the Commission issued its Order Setting Procedural Schedule. That schedule calls for Public Counsel to file its direct testimony supporting its allegations on October 2, 2006. The schedule further provides that the

Company and the Commission Staff will file their rebuttal testimony by January 31, 2007. The time period between these two events is important as it will allow the Company to conduct any necessary discovery and to prepare its case (essentially the preparation of a rate case) in response to the Public Counsel's allegations.

4. Prior to the filing of rebuttal testimony, the public will only have access to the complainant's argument and will not be able to examine the position of the Company or the Staff. Within the context of a rate case, local public hearings are generally scheduled after all sides have had the opportunity to file their first round of testimony. A similar approach in this case would call for a local public hearing, if any, after the January 31, 2007 filing of rebuttal testimony.

5. Further, if a local public hearing is scheduled prior to the filing of rebuttal testimony, Central Jefferson asks that any such local hearing not be scheduled for the week of October 16, 2006. There is a personnel availability conflict for Central Jefferson that week.


6. Lastly, the Public Counsel pleading refers to what it alleges to be "excessive rates." First, Central Jefferson does not believe that its current water and sewer rates are sufficient to "keep [its] public utility plants in proper repair for effective public service [and] . . . to ensure to the investors a reasonable return upon funds invested" as is required by law. *State ex rel. Washington University et al. v. Public Service Commission et al.*, 272 S.W. 971, 973 (Mo. Banc 1925). There has not been any Commission decision or any other determination of a particular result.

7. It should be pointed out that by definition there are no "excessive rates." The rates currently charged by Central Jefferson are in accordance with an order or

decision of the Commission and deemed to be just and reasonable. Section 386.270, RSMo (“all rates . . . fixed by the commission shall be in force and shall be prima facie lawful . . . until found otherwise in a suit brought for that purpose . . .”). There is no allegation that Central Jefferson is charging more than the rates and charges found in its Commission-authorized and approved tariffs. Therefore, there can be no “excessive rates” at this point in time.

WHEREFORE, Central Jefferson respectfully requests that the Commission deny the Public Counsel’s Request for Local Public Hearing or, in the alternative, schedule any such hearing after the filing of rebuttal testimony on January 31, 2007.

Respectfully submitted,

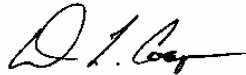


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Attorneys for Central Jefferson County Utilities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by electronic transmission, on this 29th day of September, 2006, to Christine Baker, Office of the Public Counsel and to Keith Krueger, Missouri Public Service Commission.

A handwritten signature in black ink, appearing to read "D. J. Long", is positioned above a horizontal line.