

FILED³

AUG 25 2000

STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

Missouri Public
Service Commission

In the Matter of Missouri-American)
Water Company's Tariff Sheets De-)
signed to Implement General Rate)
Increases for Water and Sewer Ser-)
vice provided to Customers in the)
Missouri Service Area of the Compa-)
ny)

WR-2000-281
SR-2000-282
(Consolidated)

APPLICATION FOR REHEARING OF ORDER DIRECTING FILING
OF AUGUST 17, 2000 BY
AG PROCESSING INC, A COOPERATIVE,
FRISKIES PETCARE, A DIVISION OF NESTLE USA,
WIRE ROPE CORPORATION OF AMERICA INC.,
CITY OF RIVERSIDE, MISSOURI, AND CITY OF JOPLIN, MISSOURI

COME NOW Intervenor AG PROCESSING INC, A COOPERATIVE ("AGP"), FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE ROPE CORPORATION OF AMERICA INC. ("Wire Rope") (collectively herein "St. Joseph Industrial Intervenor") joined by City of Riverside ("Riverside") and City of Joplin ("Joplin") and pursuant to Section 386.500 RSMo. 1994 respectfully apply for rehearing or reconsideration with respect to the Order Directing Filing dated August 17, 2000 on the following grounds:

1. The Order Directing Filing was issued in violation of Missouri law and the direct order of the Circuit Court of Cole County, Missouri in that it was issued with an effective date of less than ten (10) days.

2. The Order Directing Filing is unlawful, unreasonable and arbitrary and capricious in that it directs Staff of the Public Service Commission, a party litigant before the Commission

245

in this proceeding, to make evidentiary filings and submit such filings for the consideration of the Commission without regard to or opportunity to the other parties to the proceeding to cross-examine with respect to such information. Further, in so acting, the Commission violates its own rules by directing that the Staff make an ex parte contact with the Commission. As a result, the Order Directing Filing is unlawful.

3. The Order Directing Filing is unlawful, unreasonable, and is arbitrary and capricious in that it purports to direct a party litigant before the Commission to submit exhibits and materials that are inconsistent with that party's asserted and supported position in litigation.

4. The Order Directing Filing is unlawful, unreasonable, and is arbitrary and capricious in that it reveals that the Commission has reviewed and given consideration to Staff's prior late-filed exhibits which were timely objected to by these parties and should not have been considered by the Commission in any part of its decision making process in this proceeding whatsoever for the reasons stated in such objection, which objection is incorporated herein by reference as though fully set out.

WHEREFORE, St. Joseph Industrial Intervenors, City of Riverside and City of Joplin pray that their Application for Rehearing be granted and that, upon such action, the Commission

set aside its action in issuing the Order Directing Filing of
August 17, 2000.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

Stuart W. Conrad *by JSD*
Stuart W. Conrad Mo. Bar #23966
3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: stucon@fcplaw.com

ATTORNEYS FOR AG PROCESSING INC.,
FRISKIES PETCARE, A DIVISION OF
NESTLE USA and WIRE ROPE CORPORA-
TION OF AMERICA, INC.

Jeremiah D. Finnegan *by JSD*
Jeremiah D. Finnegan Mo. Bar #18416
3100 Broadway, Suite 1209
Kansas City, Missouri 64111
(816) 753-1122
Facsimile (816) 756-0373
Internet: jfinnegan@fcplaw.com

ATTORNEYS FOR CITY OF RIVERSIDE,
MISSOURI

James B. Deutsch
James B. Deutsch
BLITZ, BARDGETT & DEUTSCH, L.C.
308 East High Street
Suite 301
Jefferson City, MO 65101
(573) 634-2500
Facsimile (573) 634-3358

ATTORNEYS FOR CITY OF JOPLIN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by hand delivery or U.S. mail, postage prepaid addressed to the following persons:

Mr. John Coffman
Assistant Public Counsel
Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Mr. Dean Cooper
Brydon, Swearingen & England, P.C.
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102-0456

Mr. Karl Zobrist
Blackwell Sanders Peper Martin LLP
Two Pershing Square
2300 Main, Suite 1100
Kansas City, MO 64108

Mr. James M. Fischer
Law Offices of Jim Fischer
101 West McCarty Street
Suite 215
Jefferson City, MO 65101

Mr. Louis J. Leonatti
Attorney
Leonatti & Baker, P.C.
123 E. Jackson St
P. O. Box 758
Mexico, MO 65265

Ms. Lisa M. Robertson
City of St. Joseph
City Hall, Room 307
11th & Frederick Ave.
St. Joseph, MO 64501

Ms. Diana Vuylsteke
Bryan Cave, LLP
One Metropolitan Square
Suite 3600
St. Louis, MO 63102-2750

Ms. Shannon Cook
Assistant Public Counsel
Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Mr. Lee Curtis
Attorney
130 S. Bemiston
Suite 200
Clayton, MO 63105

Mr. William R. England
Brydon, Swearingen & England, P.C.
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102-0456

Mr. Keith Krueger
Assistant General Counsel
Missouri Public Service Commission
Truman Office Building - R530
P. O. Box 360
301 West High - P.O. Box 360
Jefferson City, MO 65102-0360

Mr. Joseph W. Moreland
Attorney
Blake & Uhlig, P.A.
2500 Holmes Road
Kansas City, MO 64108

Mr. Charles B. Stewart
Stewart & Keevil
1001 E. Cherry Street
Suite 302
Columbia, MO 65201

Mr. Martin W. Walter
Blake & Uhlig, P.A.
2500 Holmes Road
Kansas City, MO 64108

Dated: August 25, 2000



Stuart W. Conrad