

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

Gerald and Joanne Reiersen)	
)	
Complainants,)	
)	
v.)	<u>Case No. SC-2005-0083</u>
)	
Kenneth Jaeger and Blue Lagoon Sewer)	
Corp.,)	
)	
Respondents.)	

PUBLIC COUNSEL’S MOTION TO AMEND ISSUES LIST

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Motion To Amend Issues List states as follows:

1. On April 17, 2007, the Staff of the Commission (Staff), on its own behalf and on behalf of the other parties, filed its List of Issues.
2. In its April 27, 2007 Order Directing Filing, the Missouri Public Service Commission (Commission) ordered the parties to file Statements of Position no later than May 9, 2007.
3. The primary issue is Issue #1 which asks “Is the Blue Lagoon sewer system, which is owned by the Respondents and serves the Lost Valley Subdivision, subject to regulation by the Missouri Public Service Commission?” All other issues depend on an affirmative answer to Issue #1.
4. In its May 9, 2007 Position Statement, Respondents state “In regards to issue one, Respondents admit that they qualify to be regulated by the Missouri Public Service Commission.”

5. Therefore, it is the position of all parties that the Blue Lagoon sewer system, which is owned by the Respondents and serves the Lost Valley Subdivision, is subject to regulation by the Missouri Public Service Commission and Issue #1 is no longer in controversy.

6. Since Issue #1 is no longer in controversy and the qualifying language on the remaining issues no longer applies, Public Counsel submits this Motion to Amend the Issues List as follows:

AMENDED ISSUES LIST

1. Have the Respondents failed to provide safe and adequate service to their customers?
2. Should the Commission order the Respondents to make improvements to their system pursuant to the provisions of Section 393.140 (2), RSMo or Section 393.270.2, RSMo?
3. Have the Respondents been collecting or accepting fees for their services and, if so, have those fees been authorized by the Commission and found to be just and reasonable?
4. Should the Commission order Respondents to transfer their assets to Cannon Water District No. 1, pursuant to the provisions of Section 393.146, RSMo, or to transfer their assets to another third party?
5. Should the Commission order its general counsel to seek the imposition of penalties against the Respondents, pursuant to the provisions of Section 386.570, RSMo?

6. Should the Commission order its general counsel to seek the appointment of a receiver for the Respondents pursuant to the provisions of Section 386.145, RSMo?

WHEREFORE, Public Counsel respectfully requests the Commission grant its Motion to Amend Issues List and adopt the above stated Amended Issues List.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 14th day of May 2007:

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