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March 3, 2000

FILED²

MAR 03 2000

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**RE: Missouri-American Water Company - Consolidated Case Nos. WR-2000-281
SR-2000-282**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and fourteen copies of the MAWC's Response to OPC's Motion to Compel, Request for Extension of Time in Which to File Direct Testimony, and Request for Expedited Consideration. Please stamp the enclosed extra copy "filed" and return same to me.

Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

Dean L. Cooper
Dean L. Cooper *by Rg*

DLC/rhg
Enclosures

cc: Office of the Public Counsel
Mr. Keith Krueger
Ms. Shannon Cook
Mr. Louis Leonatti
Mr. Jim Fischer
Mr. Leland Curtis
Mr. Brent Stewart
Mr. James Duetsch

Mr. Joseph Moreland
Mr. Stu Conrad
Ms. Lisa Robertson
Ms. Diana M. Vuylsteke
Mr. Karl Zobrist

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED²

MAR 03 2000

Missouri Public
Service Commission

In the Matter of Missouri-American)	
Water Company's Tariff Sheets Designed)	
to Implement General Rate Increases for)	Case No. WR-2000-281
Water and Sewer Service provided to)	Case No. SR-2000-282
Customers in the Missouri Service Area)	
of the Company.)	

MAWC'S RESPONSE TO OPC'S
MOTION TO COMPEL, REQUEST FOR EXTENSION OF TIME
IN WHICH TO FILE DIRECT TESTIMONY,
AND REQUEST FOR EXPEDITED CONSIDERATION

COMES NOW Missouri-American Water Company ("MAWC" or "Company") and, in response to the Office of the Public Counsel's ("OPC") Motion to Compel, Request for Extension of Time in Which to File Direct Testimony, and Request for Expedited Consideration ("Motion"), states to the Missouri Public Service Commission ("Commission") as follows:

1. On February 28, 2000, OPC filed its Motion with the Commission. The Motion, among other things, asked that the Commission compel MAWC to respond to OPC's data requests numbers 4001-4015.
2. The subject data requests were served on MAWC on February 14, 2000. On February 23, 2000, MAWC timely notified the OPC that it would not be able to answer the subject data requests within the twenty day period. Instead, MAWC stated that it could respond to these data requests by March 16, 2000, and would provide the responses as they are completed.
3. The OPC states that the data requests are necessary for the preparation of OPC's direct testimony which is currently due to be filed on March 20, 2000, and that if responses to these data requests are not received until March 16, it will have insufficient time to prepare direct testimony.

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MAWC HAS RESPONDED IN ACCORDANCE WITH COMMISSION RULE

4. Commission Rule 4 CSR 240-2.090(2), which governs data requests, states, in part, as follows:

If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient will serve all of the objections or reasons for its inability to answer in writing upon the requesting party ten (10) days after receipt of the data requests, unless otherwise ordered by the commission. If the recipient asserts an inability to answer the data requests within the twenty (20) day time limit, the recipient will include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer.

5. This rule permits an extension where the requesting party is notified within ten days. No other action is required. MAWC has so notified the OPC and has further provided the reason for the delay and the expected date when the data requests will be answered. Commission rules provide no basis for an order compelling a response to a data request where the recipient is in compliance with the established procedure.

TIMING OF REQUESTS IS IN OPC'S HANDS

6. The root cause of the predicament of which the OPC complains is the failure to ask the subject data requests at an earlier point in the proceeding. The data requests in question concern the St. Joseph 2000 Project. It is not a surprise to anyone that this project is an issue. The project has been the subject of an earlier Commission case (Case No. WA-97-46), addressed in MAWC's direct testimony and discussed at great lengths in pleadings and other settings since the filing of this case on October 15, 1999. The failure to ask these data requests at an earlier date does not justify an order compelling responses.

EXTENSION OF TIME IN WHICH TO FILE DIRECT TESTIMONY

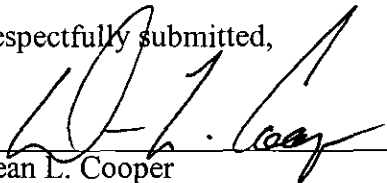
7. The OPC also requests that the date for the filing of its direct testimony be extended “at least one day for each day after March 6 that it takes MAWC to provide complete answers” to the subject data requests.

8. While MAWC does not believe that there is any basis for such drastic action based upon this motion to compel, it should be pointed out that MAWC has previously joined the OPC and the Commission Staff in a Joint Motion to Modify Procedural Schedule in this case. This joint motion was filed on February 24, 2000, and, among other things, requested that the Commission extend the direct testimony filing date from March 20, 2000 to April 3, 2000. This extension was requested in order to allow the parties to give their attention to the nonunanimous Stipulation and Agreement which has been filed in this case. If the Commission grants the Joint Motion to Modify Procedural Schedule, it would result in an extension of the direct testimony filing date that is greater in length than that which the OPC requests in this Motion and would seem to render this Motion moot.

WHEREFORE, MAWC respectfully requests that the Commission issue its order: 1) denying the Motion to Compel filed by the OPC on February 28, 2000; and, 2) granting such further relief

as the Commission should find to be reasonable and just.

Respectfully submitted,


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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 3rd day of March, 2000, to the following:

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