

FILED<sup>3</sup>

SEP 13 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	)	WR-2000-281
Increases for Water and Sewer Ser-	)	SR-2000-282
vice provided to Customers in the	)	(Consolidated)
Missouri Service Area of the Compa-	)	
ny	)	

APPLICATION FOR STAY OR IN THE ALTERNATIVE  
THAT RATES BE COLLECTED UNDER AN OBLIGATION OF REFUND BY  
GILSTER MARY-LEE CORPORATION

COMES NOW GILSTER MARY-LEE CORPORATION ("Gilster") and pursuant to its Application for Rehearing filed contemporaneously herewith under Section 386.500.1 RSMo. 1994 applies for a Stay of the increased rates insofar as they affect the Joplin District and the class of customers in which Gilster receives service that was purported to have been authorized by the Commission's Report and Order of August 31, 2000 (Order), the September 1, 2000 Notice of Correction of said Order, and the September 12, 2000 Order of Clarification all concerning Missouri-American Water Company (hereinafter "MAWC"). In support thereof Gilster states as follows:

1. Gilster incorporates by reference all prior paragraphs of its Application for Rehearing of the Report and Order of August 31, 2000, filed contemporaneously herewith
2. Under Section 386.500.3 the Commission may stay its decision on a matter increasing Gilster's rates and should do so in this case in that substantial grounds have been provided

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herein demonstrating that the Order so doing is unlawful, unjust, unreasonable and unconstitutional, is in several aspects arbitrary and capricious, and has been arrived at pursuant to unlawful procedures.

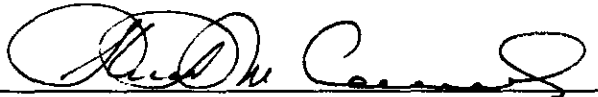
3. Gilster and others similarly situated should not be required to pay their moneys under an order that is unlawful, unjust, unreasonable and unconstitutional or is arbitrary and capricious as upon rehearing, should all or portions of such Order be set aside, or upon judicial review of such Order if such Order is not set aside following rehearing, Gilster and others similarly situated will have been forced to pay money to the utility without the likely potential of obtaining a refund.

4. Alternatively, the Commission should require the collection of such additional revenues only pursuant to an undertaking on the part of the applicant utility that it will refund such amounts as are ultimately determined to have been collected unlawfully pursuant to such an Order.

WHEREFORE for the foregoing reasons, Gilster seeks and requests a Stay of the rate increase purportedly authorized for its class of customer in the Joplin District or in the alternative that any increased rates only be permitted to be collected from Gilster and any other customers in the Joplin district that are similarly situated upon an obligation on the part of the applicant utility to refund to them any and all amounts that are found to have been unlawfully collected.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR GILSTER MARY-LEE  
CORPORATION

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing pleading by U.S. mail, postage prepaid addressed to the parties of record or their representatives as disclosed by the Commission's records in this proceeding.

Dated: September 13, 2000



Stuart W. Conrad