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January 10, 2000

FEDERAL EXPRESS

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
301 West High R530
Jefferson City, Missouri 65102

FILED²
JAN 11 2000
Missouri Public
Service Commission

Re: **Missouri-American Water Company**
Missouri PSC Case No. WR-2000-281 et al.

Dear Mr. Roberts:

Enclosed are the original and fourteen (14) conformed copies of **Industrial Intervenors' Reply**, which please file in the above matter and call to the attention of the Commission.

An additional copy of the **INITIAL PAGE** of the material to be filed is enclosed, which kindly mark as received and return to me in the enclosed envelope as proof of filing.

Thank you for your attention to this important matter. If you have any questions, please call.

Sincerely yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By: 

Stuart W. Conrad

SWC:s
Enclosures
cc: All Parties

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STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

FILED²

JAN 11 2000

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)

INDUSTRIAL INTERVENORS' REPLY TO
MAWC'S RESPONSE TO MOTION TO COMPEL
RESPONSE TO DATA REQUESTS
AND
REQUEST FOR EXPEDITED TREATMENT

COME NOW AG PROCESSING INC, A COOPERATIVE ("AGP"),
FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE
ROPE CORPORATION OF AMERICA INC. ("Wire Rope") (collectively
"Industrial Intervenors") and reply to MAWC's Response dated
January 6, 2000.

1. MAWC appears to rely for support of its objection
on a 1989 Commission order in a Southwestern Bell telephone case,
TO-89-56, in which MCI sought access to a Staff data request in
that case. Such reliance is misplaced.

a. The case involved was not a rate case. As
suggested even by its title, Southwestern Bell had not sought to
increase its rates, but rather for classification of its service
as competitive and non-competitive. No revenue increase was
involved.

b. MCI was (and is) a competitor and potential competitor of Southwestern Bell. Importantly, MCI and Southwestern Bell were competitors as against the other with respect to the provision of certain other services provided by ATT. Here Industrial Intervenors are not competitors with MAWC nor are they competitors with any supplier of MAWC for service that MAWC resells. Industrial Intervenors are ratepayers who are faced with a 67% increase in their rates as proposed by MAWC.

c. This is a contested case under Section 393.150 RSMo 1994, not under Chapter 392 dealing with telephone companies. In this contested rate case, Staff is another litigant **before**, and is not acting for the Commission, nor could it so act without conflict.

d. There is a Protective Order applicable in this case. The reason Staff is not subjected to those Protective Orders is because it has a non-disclosure obligation that is statutorily imposed. If MAWC believes some of **its responses about its own operations that are provided to Staff are confidential, they can be provided pursuant to that Protective Order.**

e. It is inappropriate for MAWC to claim some benefit of any additional enforcement obligations that Staff may have. That is not a proper basis of avoidance for a data request. What is sought here is data from MAWC, not from Staff.

2. The case relied on by MAWC is factually inapposite and is bad law in any event. Staff is a litigant. Furthermore,

the Commission should be reminded that, in the prior rate case, MAWC and Staff were allied **against** these intervenors, Public Counsel and other parties. Due process does not encompass "super" litigants or parties that have "super" rights.

3. As regards informal data requests, Industrial Intervenors' Motion and letter were clear. Reference should be made to paragraph 16 of that Motion.

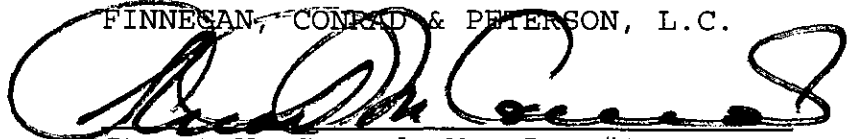
4. As far as good faith goes, MAWC has objected to **all** data requested. This is a blanket objection. Its response, however, makes clear that it is only a very narrow list of Staff data requests, if there be any at all, that could have been colorably subject to such objection. Even if, for the purpose of argument, one were to accept MAWC's premise, MAWC makes no argument that **all** of the data requested is within its scope. Material that is clearly not within its scope should be produced, and promptly.

5. Regarding the request for expedited treatment, MAWC needs no additional time to produce information that it has previously assembled and provided to others. Time is short in this case and is growing shorter. Delay in providing requested information is no less effective than outright refusal of access to that information. We have a testimony schedule that was acceptable. Further delays may necessitate extensions which neither we nor (doubtless) the Commission wish.

WHEREFORE, for the foregoing reasons, the Commission should direct Missouri-American Water Company to comply with Industrial Intervenors' Data Requests Nos. 16 and 17 and should rule on this motion on an expedited basis.

Respectfully submitted,

FINNESAN, CONRAD & PETERSON, L.C.

A large, stylized handwritten signature in black ink, likely belonging to Stuart W. Conrad, is written over the firm name.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application to Intervene by U.S. mail, postage prepaid addressed to the following persons:

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Dated: January 10, 2000



Stuart W. Conrad