

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

In the Matter of the Application of Central     )  
Jefferson County Utilities, Inc. for an Order   )  
Authorizing the Transfer and Assignment       )  
of Certain Water and Sewer Assets to           )  
Jefferson County Public Sewer District        )  
and in Connection Therewith, Certain          )  
Other Related Transactions.                    )

**Case No. SO-2007-0071**

**PUBLIC COUNSEL’S REQUEST CONCERNING LOCAL PUBLIC HEARING  
MEETING ROOM**

COMES NOW the Office of the Public Counsel and for its Request Concerning  
Local Public Hearing Meeting Room states as follows:

1. On August 15, 2006, Central Jefferson County Utilities, Inc. (Central Jefferson) filed an application with the Missouri Public Service Commission (Commission), seeking the Commission’s authorization to transfer and assign certain assets of its water and sewer operations to the Jefferson County Public Sewer District (Sewer District).
2. On September 20, Public Counsel filed a request for local public hearings.<sup>1</sup> The Commission scheduled a local public hearing in this matter to be held on November 6 at Jefferson College, Arts & Science II Building - Room 301.
3. In discussions held during the Commission’s open meeting on November 2, Commissioners noted that the room in which it has scheduled these hearings will only hold 30-35 people. Members of the Commission’s Staff advised the Commission that it expects over 100 people to attend. The Commission Staff also advised that rooms

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<sup>1</sup> On the same date, Public Counsel requested local public hearings in Case No. WC-2007-0038. That request is still pending.

holding up to 180 people are available on the Jefferson College campus in close proximity to the room in which the Commission originally scheduled the hearing. The Commissioners discussed holding the hearing in the small room and allowing the anticipated overflow to wait in the hallway until their turn to testify.

4. Public Counsel requests that the Commission plan to hold the hearing in one of the larger rooms. Trying to shuffle in a few people at a time into a too-small room while dozens and dozens are forced to wait in a hallway or another room would not create a forum conducive to receiving input from the public. Furthermore, taking a wait-and-see approach with the thought of switching rooms at the last minute is not a very workable solution. Setting up a room to hold a local public hearing takes some time, and it would be awkward to try to move the hearing at or immediately before the time it is scheduled to begin, when there are already many people on hand. Planning ahead to use a different room of appropriate size will allow signs to be made up and posted to steer members of the public to the larger room.

5. Chapter 610 RSMo 2000 is commonly referred to as the Sunshine Law. Section 610.020.2 provides that public meetings:

shall be held at a place reasonably accessible to the public and **of sufficient size to accommodate the anticipated attendance** by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. [emphasis added]

Public Counsel suggests that it would be a violation of the Sunshine Law to hold a public meeting in a room that only holds 35 people when over 100 are expected to attend.

6. The proposed transfer that is the subject of this case is a topic of great interest to many people in the area, and so is the question of overearnings raised in Case No. WC-2007-0038. Public Counsel anticipates that many of these interested people will want to participate in the question and answer session that the Commission has set for the half-hour immediately preceding the hearing. It would be very difficult to have meaningful participation in that discussion if the people are split, with some in the room and some in the hallway.

**WHEREFORE,** Public Counsel respectfully requests that the Commission make all necessary arrangement to hold the local public hearing in a meeting room of sufficient size to accommodate the anticipated attendance.

Respectfully submitted,

OFFICE OF THE Public Counsel

**/s/ Christina L. Baker**

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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 3<sup>rd</sup> day of November 2006:

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