

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

In the Matter of Missouri-American Water Company)
For a Certificate of Convenience and Necessity)
Authorizing it to Install, Own, Acquire, Construct,)
Operate, Control, Manage and Maintain a Sewer)
System in Benton County, Missouri.)

Case No. SA-2015-0065

**STAFF’S RESPONSE IN OPPOSITION
TO MOTION TO INTERVENE OUT-OF-TIME**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response in Opposition to Motion to Intervene Out-of-Time*, states as follows:

1. On September 8, 2014, Missouri-American Water Company (“MAWC”) filed its *Application* for authority to acquire and operate sewer service assets in Benton County, Missouri, belonging to Benton County Sewer District No. 1. The assets are being sold by a receiver under authority of the United States District Court for the Western District of Missouri.

2. On September 10, 2014, the Commission issued its *Order Directing Notice and Setting Date for Submission of Intervention Requests* herein. The deadline for intervention requests was October 1, 2014.

3. On November 16, 2014, George M. Hall, self-described as a customer of Benton County Sewer District No. 1, filed his *Motion for Out Of Time Intervention and, If Necessary, Original Formal Complaint or, in the Alternative, Motion for Leave to File an Amicus Curiae Brief*.¹

¹ Mr. Hall filed a corrected version of his motion later the same day.

4. In addition to being late, Mr. Hall's motion fails to comply with Commission Rule 4 CSR 240-2.075(3), which provides:

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

5. Mr. Hall, according to his motion, is a member of the general public. He has not stated any interest different from that of the general public. He has not explained how he would be affected adversely by a decision herein such that fundamental fairness requires that he be permitted to participate as a party.

6. Mr. Hall has not explained how the public interest favors his intervention and Staff suggests that it does not. The contents of Mr. Hall's motion do not indicate that the Commission's consideration of this matter would be facilitated by his participation as a party.

7. Mr. Hall suggests that good cause exists to excuse his late application, pursuant to Rule 4 CSR 240-2.075(10), in that he states that he never received actual notice of the commencement of this case or of the intervention deadline established herein by the Commission. Staff would agree, were he otherwise eligible to participate herein as a party.

8. Mr. Hall's voice should be heard; therefore, Staff has no objection to Mr. Hall being permitted to file a brief *amicus curiae* pursuant to Rule 4 CSR 240-2.075(11).

WHEREFORE, Staff prays that the Commission will **DENY** George M. Hall's *Motion for Out Of Time Intervention and, If Necessary, Original Formal Complaint or, in*

the Alternative, Motion for Leave to File an Amicus Curiae Brief, and **GRANT** his alternative motion for leave to file a brief *amicus curiae*; and grant such other and further relief as the Commission deems just in the premises.

Respectfully submitted,

/s/ Kevin A. Thompson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served, by hand delivery, electronic mail, or First Class United States Mail, postage prepaid, to all parties of record on the Service List maintained for this case by the Data Center of the Missouri Public Service Commission, on this **17th Day of November, 2014**.

/s/ Kevin A. Thompson