

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

In the Matter of Meramec Sewer)
Company Rate Increase Request)

File No. SR-2012-0309

RESPONSE AND OPPOSITION TO APPLICATION TO INTERVENE

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and submits to the Missouri Public Service Commission (Commission) the following *Response and Opposition to Application to Intervene*, and in support thereof state:

1. On March 20, 2012, Meramec Sewer Company (Meramec or Company) filed a Letter Requesting Rate Increase with the Commission.
2. On June 13, 2012, Jefferson County, Missouri, (Jefferson County) filed an *Application for Intervention and Motion for Expedited Treatment*.
3. On June 14, 2012, the Commission issued an order identifying dates for Parties to respond either objecting or not objecting. Pursuant to email communication, those dates ended with a deadline of noon on June 18, 2012. This pleading complies with the Commission's directive.
4. Late in the day on June 14, 2012, Jefferson County filed an *Application for Sale of Utility Assets and Motion for Expedited Treatment*. This filing was designated Commission File No. SM-2012-0426.
5. Staff initially expected to support the *Application for Intervention* because Staff generally supports entities being given the opportunity to be heard by the Commission. At that time, there were no other filings made by Jefferson County to address their interest in Meramec and Staff was supportive of Jefferson County's efforts to be heard. However, Jefferson County then filed the *Application for Sale of Utility*

Assets (SM-2012-0426). Staff asserts that this matter is more appropriately heard before the Commission in the *Application for Sale of Utility Assets*, as opposed to intervening in this current rate case and therefore objects to Jefferson County's Application to Intervene in this rate case.

6. 4 CSR 240-2.075 states "The commission may grant a motion to intervene or add new members 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."

7. In this case, the intent is to set just and reasonable rates, therefore Jefferson County does not have an interest which is different from that of the general public. Likewise, Jefferson County will not be adversely affected by a final order arising from the rate case. Staff is concerned that Jefferson County's participation in the rate case could delay or interfere with negotiations or the progress of the rate case.

8. Jefferson County arguably has a public interest in obtaining the money it is owed by Meramec, however, this interest is more appropriately addressed in the subsequent filing wherein it seeks permission to sell utility assets.

9. The Office of the Public Counsel has filed its *Opposition to Application to Intervene* and Staff supports the arguments included in that filing.

WHEREFORE, Staff respectfully submits this *Response and Opposition to Application to Intervene* for the Commission's information and consideration.

Respectfully submitted,

/s/ Rachel M. Lewis

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 18th day of June, 2012.

/s/ Rachel M. Lewis