



John B. Coffman
Acting Public Counsel

State of Missouri

Bob Holden
Governor

Office of the Public Counsel
Governor Office Building
200 Madison, Suite 650
P.O. Box 7800
Jefferson City, Missouri 65102

Telephone: 573-751-4857
Facsimile: 573-751-5562
Web: <http://www.mo-opc.org>
Relay Missouri
1-800-735-2966 TDD
1-800-735-2466 Voice

June 6, 2002

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Re: **Case NO. WC-2002-155 (Consolidated with SC-2002-160)**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Response of the Office of the Public Counsel to Staff's Motion to Reopen Case for the Taking of Additional Evidence**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Ruth O'Neill".

M. Ruth O'Neill
Assistant Public Counsel

MRO:jb

cc: Counsel of Record

Upon review of the Staff's motion, and the proposed exhibit, it appears that it would be appropriate for the Commission to allow this exhibit into evidence in order to complete the record in this case. This is especially relevant, given that Mr. Smith, during re-direct, introduced an incomplete statement of his financial obligations to the Commission. His testimony regarding the amounts of assessments owed by the Respondent Company was designed to rebut prior testimony of Commission staff witnesses in this regard. Neither the Staff nor

Public Counsel had the opportunity to cross examine Mr. Smith about whether the amounts set forth in the letter admitted as Exhibit 20 represented his complete outstanding financial obligation to the Commission. Neither the Staff nor Public Counsel had the opportunity to recall witnesses at the time of the hearing to refute Mr. Smith's implication, under oath, that Exhibit 20 set forth the total amount of his company's unpaid Commission assessments.

WHEREFORE, Public Counsel joins in Staff's Motion to Reopen Case For the Taking of Additional Evidence, to the extent that the Motion relates to the proposed exhibit concerning the Respondent Company's past due Commission assessments, and asks that the Commission make this proposed exhibit part of the record.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 
M. Ruth O'Neill (#49456)
Assistant Public Counsel
P O Box 7800
Jefferson City, MO 65102
(573) 751-5565
(573) 751-5562 FAX

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 6th day of June 2002:

GENERAL COUNSEL

Missouri Public Service Commission
P O Box 360
Jefferson City MO 65102

PAUL S DEFORD

Lathrop & Gage
2345 Grand Boulevard Suite 2500
Kansas City MO 64108-2684

A handwritten signature in cursive script, appearing to read "Paul S. DeFord", is written over a horizontal line.