

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

In the Matter of the Application of)
Missouri-American Water Company,)
for the approval of an Agreement with the)
City of Kirkwood, Missouri to Construct) Case No. WO-2005-0286
Transmission Mains and Points of Delivery)
and to Sell and Deliver Water for Resale)
and Related Tariff Sheets.)

RESPONSE IN OPPOSITION TO APPLICATION FOR INTERVENTION

COMES NOW Missouri-American Water Company (“MAWC”) and files its response in opposition to the application for intervention of Edmond Ciarniello. In support thereof, MAWC respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

1. On February 24, 2005, MAWC filed with the Commission an application for approval of an agreement with the City of Kirkwood. The agreement provides for the construction of transmission mains and points of delivery and provides for the sale and delivery of water.

2. On March 10, 2005, Mr. Edmond R. Ciarniello, Jr. filed an application to intervene in these proceedings. Mr. Ciarniello states that he is a resident of and is supplied water by the City of Kirkwood and that he opposes the relief sought by MAWC in this case. Mr. Ciarniello asserts that he has read the CH2MHill report ordered by the City of Kirkwood, is in possession of all contracts at issue, and has attended all applicable City Council meetings pertaining to the development of the subject agreement with the City of Kirkwood. In support of his intervention, Mr. Ciarniello states that he

has a presentation that demonstrates the lack of merit of MAWC's application and that such presentation serves the public interest of all Kirkwood water customers.

3. MAWC opposes the intervention of Mr. Ciarniello because the interests of the public in this matter are already adequately protected by the Office of the Public Counsel. See State ex rel. Missouri Power & Light Co. v. Riley, 546 S.W.2d 792, 795-796 (Mo. App. 1977). In addition, contrary to 4 CSR 240-2.075(4)(A), Mr. Ciarniello has not demonstrated that he has an interest in the proceeding which is different from the general public that would justify his intervention.

4. Finally, the appropriate forum for Mr. Ciarniello to raise his concerns about the agreement with the City of Kirkwood was in the City Council meetings he attended. As he has not demonstrated an interest in this proceeding unique from the interests of the general public, MAWC respectfully asserts that intervention is not appropriate or warranted.

Respectfully submitted,

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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was sent by U.S. Mail, first-class postage pre-paid, this 23rd day of March, 2005, to:

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