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October 29, 1999

**FILED**<sup>3</sup>

OCT 29 1999

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Truman State Office Building, 5<sup>th</sup> floor  
Jefferson City, MO 65102

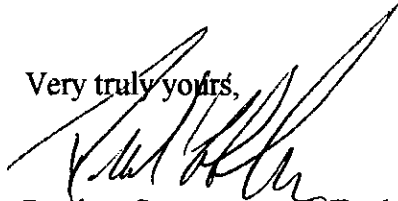
Re: Case No. AX-2000-112

Dear Secretary Roberts:

Enclosed for filing please find an original and fourteen copies of the comments of St. Louis County Water Company regarding the Commission's proposed rulemaking in the above case. Will you please see to it that this matter is properly filed and brought to the attention of the Commission.

Thank you for your assistance and cooperation.

Very truly yours,

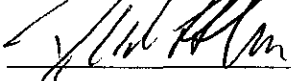


Brydon, Swearengen & England, P.C.  
Attorneys for St. Louis County  
Water Company

By: Richard T. Ciottone, Of Counsel  
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Two copies of the foregoing have on this date been sent by prepaid U.S. Mail to the Office of Public Counsel, and a copy has been provided to the General Counsel of the Staff of the Commission.

 10-29-99

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

OCT 29 1999

In the matter of the comments of )  
St. Louis County Water Company )  
regarding proposed rule changes in )  
4 CSR 240-2.060. )

Case No. AX-2000-112

Missouri Public  
Service Commission

**COMMENTS REGARDING PROPOSED RULEMAKING**

Comes now St. Louis County Water Company, ("Water Company") and for its comments regarding the proposed changes to the Commission's Rules of Practice and Procedure in 4 CSR 240-2.060, states as follows:

1. Water Company is a corporation organized and existing under the laws of the State of Missouri, and a Water Corporation subject to the jurisdiction of the Missouri Public Service Commission ("Commission").

2. Water Company objects to certain proposed rules in 4 CSR 240-2.060, to wit (all references hereafter are to 4 CSR 240-2.060 unless otherwise specified):

A. Subsection (1) (K) requires that all applications shall include "A statement indicating whether the applicant has any pending or final judgments or decisions against it from any state or federal agency or court which involve customer service or rates." This requirement is not feasible, practical or necessary:

i. The information, if relevant in any particular matter and deemed necessary by the Staff, the Commission or another party, is more properly the subject of a duly issued data request.

ii. Matters pending would not be too difficult to report, nor would final decisions within a manageable time limit such as the preceding twelve months. But any entity with an existence of more than a few years would

find it virtually impossible to comply with this requirement. Water Company's existence dates back more than ninety years, and records of all judgments and decisions dating back more than a few years are not maintained unless they were deemed to have some special significance. Those judgments and decisions retained in litigation files are often kept in off-site storage or on microfilm, and none are organized or separated according to those "which involve customer service or rates."

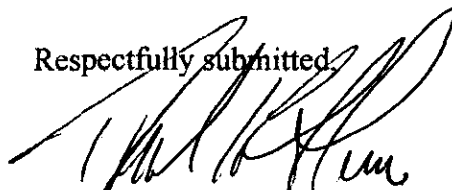
iii. It is inappropriate and unnecessary to make the listing of decisions which involve customer service or rates a uniform requirement for all applications. For example, of what purport would it be, in an application for an approval to issue tax-free debt, that the applicant had recently prevailed on a billing dispute?

B. Section (16) specifies the requirements for an application for a change of name. The Commission does not have the authority to determine whether or not a change of name is acceptable. Name changes are unrelated to the presence or absence of safe and adequate service, rates, preferences or any other aspect of the statutory authority granted to the Commission by the General Assembly.

3. Generally, the proposed changes proffered by the Commission, including those in the various sections and subsections of 4 CSR 240-2.060, are difficult to evaluate. This is because the Commission has chosen to advance its propositions without describing those sections that are intended to remain unchanged. The interrelationship between proposed changes and matters unchanged is therefore difficult to ascertain. Other agencies use a system of deletions and additions with such devices as italics or black lining. The Commission is encouraged to emulate the methods of other agencies, as the cost and efficiency of the presentation would be more than outweighed by the cost and efficiency of the analyses by affected parties.

WHEREFORE, Water Company prays that modifications be made to the Commission's proposed rules in accordance with the Comments herewith presented.

Respectfully submitted,

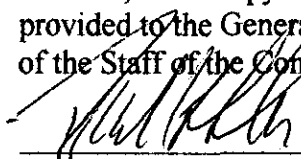


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CERTIFICATE OF SERVICE

Two copies of the foregoing have on this date been sent by prepaid U.S. Mail to the Office of Public Counsel, and a copy has also been provided to the General Counsel of the Staff of the Commission.

 10-29-99