

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

In the Matter of Missouri-American Water	)	Case No. ST-2007-0443
Company's Filing of Revised Sewer Tariff Sheets to	)	
Implement a Capacity Charge for Missouri-	)	Tariff File Nos:
American's Warren County and Jefferson County	)	JS-2007-0713
Sewer Districts.	)	JS-2007-0714

**STATEMENT IN RESPONSE TO THE PUBLIC COUNSEL'S MOTION TO
SUSPEND TARIFFS AND CONSOLIDATE INTO EXISTING RATE CASE**

COMES NOW Home Builders Association of St. Louis and Eastern Missouri, Inc. (hereinafter "HBA"), formerly known as Home Builders Association of Greater St. Louis, Inc., by and through its undersigned counsel, and submits this statement in response to the Office of Public Counsel's Motion to Suspend Tariffs and Consolidate into Existing Rate Case . In support, HBA states:

1. HBA objects to certain sewer tariffs proposed by the Missouri American Water Company ("MAWC"), Tariff Nos. JS 2007-713 and JS 2007-714. On May 21, 2007, the Office of the Public Counsel (Public Counsel) also moved to suspend these Tariffs and to consolidate with an existing rate case, Case No. WR-2007-0216. HBA supports the Public Counsel's motion to suspend the Tariffs for the reasons described in the Public Counsel's motion and in HBA's Objection.

2. HBA agrees that the propriety and lawfulness of the Tariffs cannot be considered apart from the MAWC's general rates, projected revenue, and other relevant factors. However, HBA understands that testimony is to be filed in the rate case beginning June 5, 2007, and that an evidentiary and true-up hearing has been scheduled for August 6-17, 2007. Order Adopting Procedural Schedule and Approving Motion to Modify Suspension Order and Notice (Feb. 22, 2007). HBA believes that it would be

very difficult and unduly burdensome to require the parties to complete discovery and hearing preparation (including preparation of expert witnesses) concerning the Tariffs by August 6, 2007. Accordingly, HBA believes that this case should not be consolidated with the existing rate case.

3. In the alternative, if the Tariff and rate cases are consolidated, HBA respectfully requests that it be granted leave to apply to intervene to contest the Tariffs. If the cases are consolidated, HBA further requests that the procedural and discovery schedule be modified in order to provide a full opportunity to conduct all investigations and discovery concerning the Tariffs that may be required to prepare for the August evidentiary hearing, including expedited discovery.

WHEREFORE, the Home Builders Association of St. Louis and Eastern Missouri, Inc. respectfully requests that this Commission:

- a) Suspend the Missouri-American Water Company tariff filings bearing numbers JS-2007-713 and JS-2007-714 and order that such filings shall not take effect;
- b) Open a formal case relating to tariff filings bearing numbers JS-2007-713 and JS-2007-714;
- c) Order such other relief as this Commission deems just and proper.

Respectfully submitted,

HUSCH & EPPENBERGER, LLC

By: /s/ Robert L. Hess II

Robert L. Hess, II, #52548

P.O. Box 1251

235 East High Street

Jefferson City, Missouri 65102

Phone: 573.635.9118

Fax: 573.634.7854

robert.hess@husch.com

and-

S. Christian Mullgardt II, #45661
The Plaza in Clayton Office Tower
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Phone: 314.480.1500
Fax: 314.480.1505
christian.mullgardt@husch.com

**Attorneys for Home Builders Association
of St. Louis and Eastern Missouri, Inc.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 29th day of May, 2007, via United States mail, postage pre-paid, e-mail, facsimile, or hand delivery to:

General Counsel Office
Missouri Public Service
Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Phone: 573-751-2690
Fax: 573-751-9285
GenCounsel@psc.mo.gov

Mills Lewis
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
Phone: 573-751-1304
Fax: 573-751-5562
opcservice@ded.mo.gov

Woodsmall David
AG Processing, Inc
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
Phone: 573-635-2700-Ext:
Fax: 573-635-6998
dwoodsmall@fcplaw.com

Conrad Stuart
AG Processing, Inc
3100 Broadway, Suite 1209
Kansas City, MO 64111
Phone: 816-753-1122-Ext:
Fax: 816-756-0373
stucon@fcplaw.com

Comley W Mark
City of Jefferson, Missouri
601 Monroe Street., Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Phone: 573-634-2266-Ext:
Fax: 573-636-3306
comleym@ncrpc.com

Ellinger H Marc
City of Joplin, Missouri
308 E. High Street, Ste. 301
Jefferson City, MO 65101
Phone: 573-634-2500-Ext:
Fax: 573-634-3358
mellinger@blitzbardgett.com

Smith Jane
City of Joplin, Missouri
308 East High Street
Suite 301
Jefferson City, MO 65101
Phone: 573-634-2500-Ext:
Fax: 573-634-3358

Finnegan D Jeremiah
City of Parkville, Missouri
3100 Broadway, Suite 1209
Kansas City, MO 64111
Phone: 816-753-1122-Ext:
Fax: 816-756-0373
jfinnegan@fcplaw.com

Young Mary Ann
City of St. Joseph, Missouri
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
Phone: 573-634-8109-Ext:
Fax: 573-634-8224
myoung0654@aol.com

Steinmeier D William
City of St. Joseph, Missouri
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
Phone: 573-659-8672-Ext:
Fax: 573-636-2305
wds@wdspsc.com

Lumley J Carl
City of Warrensburg, Missouri
130 S. Bemiston, Ste 200
St. Louis, MO 63105
Phone: 314-725-8788-Ext:
Fax: 314-725-8789
clumley@lawfirmemail.com

Curtis Leland
City of Warrensburg, Missouri
130 S. Bemiston, Suite 200
St. Louis, MO 63105
Phone: 314-725-8788-Ext:
Fax: 314-725-8789
lcurtis@lawfirmemail.com

Hess II L Robert
Home Builders Association of
Greater St. Louis, Inc.
Monroe House
235 East High Street
Jefferson City, MO 65101
Phone: 573-635-9118-Ext:
Fax: 573-634-7854
robert.hess@husch.com

Mullgardt C Stuart
Home Builders Association of
Greater St. Louis, Inc.
190 Carondelet Plaza, Suite
600
St. Louis, MO 63105
Phone: 314-480-1500-Ext:
1926
Fax: 314-480-1505
christian.mullgardt@husch.com

Francis E Byron
Metropolitan St. Louis Sewer
District (MSD)
One Metropolitan Square, Suite
2600
211 North Broadway
St. Louis, MO 63102
Phone: 314-621-5070-Ext:
Fax: 314-612-2245
bfrancis@armstrongteasdale.com

Sayad E.W. Gentry
Metropolitan St. Louis Sewer
District (MSD)
One Metropolitan Square, Ste.
2600
St. Louis, MO 63102-2740
Phone: 314-621-5070-Ext:
Fax: 314-621-5065
gsayad@armstrongteasdale.com

Levey U Jacqueline
Metropolitan St. Louis Sewer
District (MSD)
One Metropolitan Square, Ste.
2600
St. Louis, MO 63102-2740
Phone: 314-621-5070-Ext:
Fax: 314-621-5065
jlevey@armstrongteasdale.com

Lowry J. Kent
Metropolitan St. Louis Sewer
District (MSD)
One Metropolitan Square, Ste.
2600
St. Louis, MO 63102-2740
Phone: 314-621-5070-Ext:
Fax: 314-621-5065
klowry@armstrongteasdale.com

Langeneckert C Lisa
Missouri Energy Group
911 Washington Ave., 7th Floor
St. Louis, MO 63101
Phone: 314-641-5158-Ext:
Fax: 314-641-8158
llangeneckert@stolarlaw.com

Iles Carole
Missouri Industrial Energy
Consumers
221 Bolivar St., Suite 101
Jefferson City, MO 65101
Phone: 573-556-6621-Ext:
Fax: nul-l -

Vuylsteke M Diana
Missouri Industrial Energy
Consumers
211 N. Broadway, Suite 3600
St. Louis, MO 63102
Phone: 314-259-2543-Ext:
Fax: 314-259-2020
dmvuylsteke@bryancave.com

Cooper L Dean
Missouri-American Water
Company
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
Phone: 573-635-7166-Ext:
Fax: 573-635-0427
dcooper@brydonlaw.com

England R W.
Missouri-American Water
Company
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
Phone: 573-635-7166-Ext:
Fax: 573-634-7431
trip@brydonlaw.com

Fischer M James
Public Water Supply District No.
1 of Andrew County
101 Madison Street--Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext:
Fax: 573-636-0383
jfischerpc@aol.com

Dority W Larry
Public Water Supply District No.
1 of Andrew County
101 Madison, Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext: 2
Fax: 573-636-0383
lwdority@sprintmail.com

Fischer M James
Public Water Supply District
No. 1 of DeKalb County
101 Madison Street--Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext:
Fax: 573-636-0383
jfischerpc@aol.com

Dority W Larry
Public Water Supply District No.
1 of DeKalb County
101 Madison, Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext: 2
Fax: 573-636-0383
lwdority@sprintmail.com

Fischer M James
Public Water Supply District No.
2 of Andrew County
101 Madison Street--Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext:
Fax: 573-636-0383
jfischerpc@aol.com

Dority W Larry
Public Water Supply District
No. 2 of Andrew County
101 Madison, Suite 400
Jefferson City, MO 65101
Phone: 573-636-6758-Ext: 2
Fax: 573-636-0383
lwdority@sprintmail.com

Schroder A Sherrie
Utility Workers Union of America
Local 335
7730 Carondelet Ave. Ste 200
St. Louis, MO 63105
Phone: 314-727-1015-Ext:
Fax: 314-727-6804
saschroder@hstly.com

Evans A Michael
Utility Workers Union of America
Local 335
7730 Carondelet, Suite 200
St. Louis, MO 63105
Phone: 314-727-1015-Ext:
Fax: 314-727-6804
mevans@hstly.com

/s/ Robert L. Hess II