

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

Gerald and Joanne Reiersen)	
)	
Complainants,)	
)	
v.)	<u>Case No. SC-2005-0083</u>
)	
Kenneth Jaeger and Blue Lagoon Sewer)	
Corp.,)	
)	
Respondents.)	

**PUBLIC COUNSEL’S OBJECTION TO
RESPONDENTS’ MOTION FOR CONTINUANCE**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Objection to Respondents’ Motion for Continuance states as follows:

1. The Complainants filed the above styled complaint with the Missouri Public Service Commission (Commission) on October 4, 2004.
2. A companion complaint was filed by Robert M. Hellebusch on October 14, 2004 under Case No. SC-2005-0099.
3. The complaint under Case No. SC-2005-0099 was consolidated into the above styled complaint by the Commission in its January 7, 2007 Order Consolidated Cases.
4. In its December 8, 2006 Order Directing Staff to File a Status Report and a Recommendation, and For the Parties to File a Procedural Schedule, the Commission noted the procedural development of this matter has been protracted and stated it would like to move this case forward to ensure its resolution.
5. It its January 29, 2007 Order Setting Procedural Schedule, the Commission set this case for evidentiary hearing on April 26, 2007.

6. On April 11, 2007, Respondents filed a Motion for Continuance requesting a delay of the scheduled evidentiary hearing.

7. Respondent's motion was granted by the Commission in its April 18, 2007 Order Granting Motion for Continuance. The evidentiary hearing was rescheduled for May 18, 2007.

8. On May 9, 2007, Respondents once again filed a Motion for Continuance requesting yet another delay of the scheduled evidentiary hearing. Respondents suggest a delay of the evidentiary hearing to at least July 6, 2007 which would be a delay of approximately two months or more.

9. In its motion, Respondents state that issues of violation of Respondents' due process rights and double jeopardy have been raised due to a pending case in the Circuit Court of Ralls County, Missouri.

10. The primary issue in this complaint asks the Commission to determine whether Respondents are subject to the jurisdiction of the Commission. The power to regulate public utilities is given to the Commission in the Missouri Revised Statutes Chapters 386 and 393.

11. The determination of Commission jurisdiction is not the subject of any order of the Circuit Court of Ralls County, Missouri. Therefore, a determination of Commission jurisdiction would not be in violation of Respondents' due process rights or double jeopardy.

12. The Complainants deserve to have their complaints heard by this Commission in a timely manner without undue delay. These complaints have already been pending before

the Commission for two years and seven months and any further delay would certainly be undue delay.

13. Any further delay would be against the Commission's order that the procedural development of this matter has been protracted and should be moved forward to ensure its resolution.

WHEREFORE, Public Counsel respectfully objects to Respondent's Motion for Continuance and requests that the Commission deny Respondents' motion.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By:_____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 14th day of May 2007:

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