

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

In the Matter of Missouri-American Water	)	
Company's Request for Authority to Implement	)	Case No. WR-2011-0337
A General Rate Increase for Water and Sewer	)	SR-2011-0338
Service Provided in Missouri Service Areas.	)	

**MAWC'S MOTION FOR LEAVE TO LATE-FILE REBUTTAL TESTIMONY**

Comes now Missouri-American Water Company (MAWC or Company), and, as its Motion for Leave to Late-File Rebuttal Testimony, states as follows to the Missouri Public Service Commission (Commission):

1. Rebuttal testimony was to be filed by the parties to this case on January 19, 2012. On January 19, 2012, MAWC filed in EFIS the rebuttal testimonies of Pauline M. Ahern, Kevin H. Dunn, Paul R. Herbert, Karl A. McDermott, Gary A. Naumick, Peter J. Thakadiyil, Regina C. Tierney, Dennis R. Williams, Greg A. Weeks, John J. Spanos, Edward L. Spitznagel and Maxine Mitch.

2. Also on January 19, 2012 (at 8:43 p.m.), John Reichart, counsel for MAWC, sent an electronic mail message attempting to serve electronic copies of MAWC's rebuttal testimony on the parties.<sup>1</sup> Included as an attachment to that January 19 e-mail was the Rebuttal Testimony of William D. Rogers. It was intended that Mr. Rogers' testimony be filed in EFIS. However, a review of EFIS indicates that it was inadvertently omitted from the testimony uploaded on January 19, 2012. By this motion, MAWC seeks leave to late-file the attached Rebuttal Testimony of William D. Rogers.

---

<sup>1</sup> In following up concerning that message, MAWC now believes that some of these e-mails may not have been delivered to certain recipients because of size limitations of certain providers. This includes counsel for Staff and the Office of the Public Counsel(OPC)

3. Mr. Rogers' Rebuttal Testimony provides testimony that is responsive to Staff witness Matthew Barnes in regard to capital structure and source of long term debt. This rebuttal is also referenced by MAWC witness Maxine Mitch, in regard to the Annual Incentive Plan issue (Mitch Re., p. 11).

4. Good cause for leave exists in that the failure to previously file Mr. Rogers' Rebuttal Testimony was the result of an oversight on the part of MAWC. Moreover, allowing MAWC to late-file the testimony instead of possibly filing it as surrebuttal, will provide the other parties an opportunity for response.

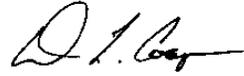
5. However, MAWC would suggest that if the Commission grants this motion, it should further allow parties until February 8, 2012, to file any surrebuttal that would be responsive to Mr. Rogers' Rebuttal Testimony. Doing so would ensure that parties have the same amount of time from filing to surrebuttal as would have been the case if the testimony had been filed, as intended, on January 19. Further, because the hearing in this matter is not scheduled to start until February 21, 2012, there will still be sufficient time to incorporate whatever surrebuttal may be filed in response to Mr. Rogers' testimony in the parties' position statements.

6. Mr. Reichart has discussed this matter with counsel for the Staff and the Public Counsel and they have indicated that they have no objection to proceeding in the manner outlined in this Motion.

WHEREFORE, MAWC respectfully requests the Commission grant MAWC's motion for

leave to late-file the Rebuttal Testimony of William D. Rogers.

Respectfully submitted,



---

William R. England, III      MBE# 23975  
Dean L. Cooper              MBE# 36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
Telephone:    (573) 635-7166  
Facsimile:    (573) 635-3847  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

ATTORNEYS FOR MISSOURI-AMERICAN  
WATER COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 25<sup>th</sup> day of January, 2012, to:

Rachel Lewis  
General Counsel's Office  
[rachel.lewis@psc.mo.gov](mailto:rachel.lewis@psc.mo.gov)  
[Kevin.thompson@psc.mo.gov](mailto:Kevin.thompson@psc.mo.gov)

Christina Baker  
Office of the Public Counsel  
[christina.baker@ded.mo.gov](mailto:christina.baker@ded.mo.gov)

Michael A. Evans  
Hammond, Shinnars, et al.  
[mevans@hammondshinnars.com](mailto:mevans@hammondshinnars.com)

Thomas Schwarz  
Marc H. Ellinger  
Blitz, Bardgett & Deutsch  
[MEllinger@blitzbardgett.com](mailto:MEllinger@blitzbardgett.com)  
[tschwarz@blitzbardgett.com](mailto:tschwarz@blitzbardgett.com)

Stuart Conrad  
Finnegan, Conrad & Peterson  
[stucon@fcplaw.com](mailto:stucon@fcplaw.com)

Lisa C. Langeneckert  
Sandberg Phoenix, et al.  
[llangeneckert@sandbergphoenix.com](mailto:llangeneckert@sandbergphoenix.com)

Eric Steinle  
Joseph P. Bednar, Jr.  
Spencer Fane  
[jbednar@spencerfane.com](mailto:jbednar@spencerfane.com)  
[esteinle@spencerfane.com](mailto:esteinle@spencerfane.com)

James Fischer  
Larry Dority  
Fischer & Dority  
[lwdority@sprintmail.com](mailto:lwdority@sprintmail.com)  
[jfischerpc@aol.com](mailto:jfischerpc@aol.com)

Diana M. Vuylsteke  
Bryan Cave, L.L.P.  
[dmvuylsteke@bryancave.com](mailto:dmvuylsteke@bryancave.com)

Byron E. Francis  
Kent Lowry  
Armstrong Teasdale LLP  
[bfrancis@armstrongteasdale.com](mailto:bfrancis@armstrongteasdale.com)  
[klowry@armstrongteasdale.com](mailto:klowry@armstrongteasdale.com)

Mark W. Comley  
Newman, Comley & Ruth  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

Lisa Gilbreath  
Sonnenschein Nath, et al.  
[lisa.gilbreath@snrdenton.com](mailto:lisa.gilbreath@snrdenton.com)

William D. Steinmeier  
William D. Steinmeier, P.C.  
[wds@wdspsc.com](mailto:wds@wdspsc.com)

Leland B. Curtis  
Curtis Heinz, et al.  
[lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)

Craig Johnson  
Johnson & Sporleder, LLP  
[cj@cjaslaw.com](mailto:cj@cjaslaw.com)

  
\_\_\_\_\_