

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

**In the Matter of the Small Company Rate)
Increase Request of Timber Creek Sewer)
Company)**

Case No. SR-2008-0080

**STAFF'S OBJECTIONS TO TESTIMONY AND EXHIBITS
OFFERED AT THE LOCAL PUBLIC HEARING**

COME NOW the Staff of the Missouri Public Service Commission and, for its Objections to Testimony and Exhibits Offered at Local Public Hearing states to the Missouri Public Service Commission as follows.

1. On October 17, 2007, the Commission convened a local public hearing, to hear testimony from the public about Timber Creek Sewer Company's request for a rate increase. The hearing was held at the Platte City Middle School, 900 Pirate Drive, Platte City, Missouri, commencing at 6:00 p.m. The transcript of the hearing was filed with the Commission on October 22, 2007. At the hearing, the regulatory law judge announced that she would give the parties an opportunity to object to testimony when the transcripts arrive. (See Transcript, p. 14, line 11 to page 16, line 1.) On October 22, 2007, the Commission ordered that any objections to the testimony and exhibits that were presented at the local public hearing must be made by October 24, 2007.

2. The Staff believes it is important for the Commission to consider the admissible testimony of members of the public who appear to testify at local public hearings, and supports and encourages members of the public to offer such testimony. However the Staff objects to inadmissible testimony and exhibits

3. The Staff objects to the testimony at page 14 of the transcript, lines 11-14, because it is hearsay. The witness, Nancy Wakefield, was attempting to testify about the truth of a matter of which she did not have personal knowledge.

4. The Staff objects to the testimony at page 16, lines 4-10 of the transcript, because it is hearsay. The witness, Nancy Wakefield, was attempting to testify about the truth of a matter of which she did not have personal knowledge.

5. The Staff objects to the testimony at page 16, lines 11-25 of the transcript, because it is hearsay. The witness, Nancy Wakefield, was attempting to testify about the truth of matters of which she did not have personal knowledge. She relied, instead, upon the statements of other unidentified people, who did not make their statements under oath, who apparently were not present at the local public hearing, and who were not subject to cross-examination.

6. The Staff objects to the petition that was purportedly signed by Timber Creek's customers, and which was marked for identification as Exhibit 1, because the exhibit is hearsay. The petition was offered to prove that the persons named therein opposed the rate increase that Timber Creek has requested, but the persons who signed the petition were not under oath, did not appear at the local public hearing to testify, and were not subject to cross-examination. Furthermore, it appears that the petition may be misleading in that the names of some customers appear more than once. The name of Kelly Menninger, whose address is listed as 13470 N.W. 135th Terrace, and whose phone number is listed at 858-4823, appears on the 16th page of the petition. The same name, address, and phone number also appear on the 17th page of the petition. It is noteworthy that the signature on the 16th page does not appear similar to the signature on the 17th page.

7. The Staff objects to the photographs that were marked for identification as Exhibit 2, because they lack a proper foundation. There was no testimony as to who took the pictures, when the pictures were taken, what they portend to show, or whether they accurately depict what they portend to show. Furthermore, some of the photos appear to contain a dashed line that has not been explained, and which does not accurately portray what it portends to show.

8. The Staff objects to the testimony at lines 18-19 on page 44 of the transcript, beginning with the word “Other” and continuing to the end of line 19, because it is hearsay, based upon statements made by others who were not under oath, were not present at the hearing and were not subject to cross-examination.

9. The Staff objects to the testimony at lines 7-8 on page 51 of the transcript reading: “My family is against it.” This is hearsay testimony about the opinions of the family of the witness, who were not under oath, were not present at the hearing, and not subject to cross-examination.

WHEREFORE, the Staff submits its Objections to Testimony and Exhibits Offered at the Local Public Hearing for the Commission’s consideration.

Respectfully Submitted,

/s/ **Keith R. Krueger**

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Objections to Testimony and Exhibits Offered at the Local Public Hearing have been mailed with first class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 24th day of October 2007.

/s/ **Keith R. Krueger**