

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

In the Matter of the Application)	
of Big Island Water and Sewer)	
Company for a Certificate of)	
Convenience and Necessity Authorizing)	
It to Construct, Install, Own, Operate,)	Case No. WA-2006-0480, et al.
Control, Manage and Maintain A)	
Water and Sewer System for the)	
Public Located in an Unincorporated Area)	
in Camden County, Missouri)	

MISSOURI DEPARTMENT OF
NATURAL RESOURCES'
SUGGESTIONS IN OPPOSITION TO COMPLAINANTS' MOTION TO ADD
THE DEPARTMENT OF NATURAL RESOURCES AS A PARTY

COMES NOW the Missouri Department of Natural Resources (Department) and files this Motion to Dismiss the Department as a Party to the above proceedings for the following reasons.

1. Big Island Water & Sewer Company has filed an application for a certificate of convenience and necessity to operate a water and sewer system in Camden County, Missouri.
2. On September 22, 2006, the Commission issued its Order Adding the Department of Natural Resources as a Party.
3. According to the September 22, 2006, Order, the Commission did so because it believes the Department may have information that would be helpful to the Commission in considering the Big Island Water & Sewer Company application.
4. On February 1, 2007, Cathy Orler filed a motion seeking once again to add

the Department as a party to this proceeding. Cathy Orler did not serve the Department with a copy of her motion.

5. On February 2, 2007, the Commission directed that responses to the motion to add the Department and a second motion also filed on February 2, 2007, be filed with the Commission on or before February 6, 2007. In its Order, the Commission also directed that a copy of the Order (but not the motion) be served on the Department.

6. The Department did file testimony in this case, does not anticipate having a position on any issues that will be raised in this case and in general will not be participating in this case as a party in the traditional sense.

7. Further, Rule 52.04, Supreme Court Rules of Civil Procedure governs joinder of parties in civil cases. Complainants' motion does not comply with the provisions of that rule.

8. The Commission has a rule addressing intervention in cases before it, but, in general, the parties to a case over which the Commission has jurisdiction are set either by law, or are parties who have applied to intervene in the case. The Department is not a party by law and has not asked to intervene in the above-styled case.

9. Consequently, the Department does not believe it is a proper party to these proceedings.

10. If what the Commission is concerned about is making sure Department witnesses are available during relevant portions of the scheduled hearing to answer

questions Commission members or others may have, the Department is certainly willing to commit to having knowledgeable witnesses available as needed. And the Commission's rules do provide that the Commission may issue subpoenas to require attendance at a proceeding before the Commission.

WHEREFORE, the Department respectfully requests that it not be added as a party to the above-case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, by United States mail, this 2nd day of February, 2007, to:

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