

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

In the Matter of Missouri-American Water)
Company for a Certificate of Convenience)
and Necessity Authorizing it to Install, Own,)
Acquire, Construct, Operate, Control,)
Manage and Maintain a Water System and)
Sewer System in and around the City of)
Smithton, Missouri.)
File No. WA-2023-0071

MAWC REPLY TO OPC RESPONSE

COMES NOW Missouri-American Water Company (“MAWC”), and for its *Reply to OPC Response* states as follows to the Missouri Public Service Commission (“Commission”):

1. On December 19, 2022, Staff filed its *Staff Recommendation* and supporting *Memorandum*. Staff recommended the Commission grant MAWC’s *Application* and grant the requested CCN, subject to the conditions described in the *Staff Memorandum*.

2. On December 29, 2022, MAWC filed its *Response to Staff Recommendation*, wherein it stated its non-objection to the *Staff Recommendation*, to include the conditions identified by Staff.

3. Also on December 29, 2022, the Office of the Public Counsel (“OPC”) filed its *Response to Staff Recommendation*. Therein, OPC stated that it sought no relief in this case, but desired to “alert parties to a potential issue that the OPC may raise in a future case.” (OPC Resp., p. 2).

4. OPC’s concern revolved around an aspect of MAWC’s communication with Smithton regarding Smithton’s choice of appraiser. (OPC Resp., p. 2). That concern was described as follows:

In its communication with Smithton, MAWC appears to suggest that it must qualify any appraiser that Smithton may choose who does not appear on the list of

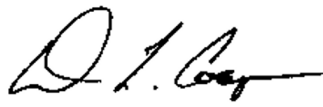
appraisers that MAWC provided. (*See* App. A 2 (July 14, 2020 email stating “[i]f you would like to select an appraiser that is not on the list, please provide me with their contact information so I can get them qualified to provide appraisal services.”)). This language could be interpreted as suggesting that MAWC is adding an additional requirement to the qualifications that an appraiser must meet before he or she is eligible to participate in the § 393.320 RSMo. appraisal process—namely that MAWC must determine that the appraiser meets certain, unidentified requirements. (*See id.*).

(OPC Resp., p. 5).

5. MAWC uses the term “qualified” in this context to describe the process of adding the appraiser (or any other payee) to its payment system so that the appraiser (or other payee) may be reimbursed for work performed. It is not intended to add, or suggest the addition of, any further layer of acceptance of the City’s choice of appraiser. That being said, MAWC understands OPC’s concern with this language and on a going forward basis will remove the reference to qualification from communications with potential sellers.

WHEREFORE, MAWC requests the Commission issue an order approving the *Application And Motion For Waiver* and granting MAWC a CCN as recommended in the Staff *Memorandum*, a waiver of the requirements of 20 CSR 4240-4.017, and for such other and further relief as deemed appropriate in the circumstances.

Respectfully submitted,



Dean L. Cooper, Mo. Bar #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) 635-0427

dcooper@brydonlaw.com

Timothy W. Luft, Mo Bar #40506
Rachel L. Niemeier, Mo. Bar #56073
MISSOURI-AMERICAN WATER COMPANY
727 Craig Road
St. Louis, MO 63141
(314) 996-2279
(314) 997-2451 (telefax)
Timothy.Luft@amwater.com
Rachel.Niemeier@amwater.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 to all counsel of record this 6th day of January 2023.