

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	<u>Case No. WC-2007-0452</u>
v.)	
)	
Suburban Water and Sewer Co. and Gordon Burnam,)	
)	
)	
Respondents.)	

STAFF’S RESPONSE TO COUNSEL’S SPECIAL ENTRY OF APPEARANCE

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Response to Counsel’s Special Entry of Appearance respectfully states as follows:

1. Staff filed its initial Complaint in this matter on May 29, 2007. Notice of the Complaint was issued on June 4, 2007. On June 8, 2007, Staff filed its First Amended Complaint. Notice of the Amended Complaint was issued on June 11, 2007.

2. On June 7, 2007, counsel for Respondent Gordon Burnam entered a special appearance for the limited purpose of challenging the personal and subject matter jurisdiction of the Missouri Public Service Commission (Commission) over Respondent Gordon Burnam.

3. Staff asserts that the Commission does have both personal jurisdiction over Respondent Gordon Burnam and subject matter jurisdiction over this case. The Commission should exert its personal jurisdiction over Gordon Burnam so that penalties can be assessed against him personally at the circuit court level in the event that the corporation is unable to meet the penalty amount assessed by the Commission due to the

actions of Respondent Gordon Burnam as the President of Respondent Suburban Water and Sewer Co. in allowing the system to deteriorate despite having been granted a rate increase to make specified improvements in 2005.

4. Staff's jurisdictional arguments are set out fully in the Memorandum accompanying this Response.

Respectfully submitted,

/s/ Jennifer Heintz

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel and parties of record this 13th day of June 2007.

/s/ Jennifer Heintz