

**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 OBJECTION TO CONSOLIDATION OF CASE NO. WO-2007-0444 AND CASE NO. WC-2007-0452**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its Objection to Consolidation of Case No. WO-2007-0444 and Case No. WC-2007-0452 respectfully states as follows:

1. On May 21, 2007 the Office of the Public Counsel (OPC) filed Case No. WO-2007-0444. In its case, OPC requests an investigation into possible resolution of the proposed dissolution of Suburban Water and Sewer Co. (Suburban) and further requests a local public hearing to afford members of the public an opportunity to make their preferences known.

2. On May 29, 2007 Staff filed a Complaint and Motion for Expedited Treatment against Suburban and Gordon Burnam (Case No. WC-2007-0452). Staff’s Complaint is based on Respondents’ violations of a stipulation and agreement entered into by Staff, OPC, and Respondents to resolve Case No. WR-2005-0455. Notice of Staff’s Complaint was issued on June 4, 2007.

3. On June 4, 2007, the Commission issued an order consolidating Case No. WO-2007-0444 and Case No. WC-2007-0452.

4. Commission Rule 4 CSR 240-2.110(3) provides: “[w]hen pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.”

5. Case No. WO-2007-0444 filed by OPC is prospective, in that it seeks an investigation to uncover possible solutions to the problems created by the proposed dissolution of Suburban Water and Sewer Co. The only hearing requested by OPC is a local public hearing intended to allow members of the public to make their preferences known.

6. Staff’s Complaint and Motion for Expedited Treatment is retrospective in that it focuses on Respondents’ past and continuing violations of a stipulation and agreement entered into to dispose of Case No. WR-2005-0455. Staff has requested a formal evidentiary hearing to be held no later than July 20, 2007.

7. Case No. WO-2007-0444 and Case No. WC-2007-0452 do not involve common questions of law.

8. Case No. WO-2007-0444 and Case No. WC-2007-0452 do not involve common questions of fact because OPC is not seeking information about past facts and neither the results of the investigation requested by OPC nor the result of a local public hearing will have any bearing on the material facts in Staff’s Complaint, which focuses on past and ongoing violations of a stipulation and agreement adopted by the Commission.

9. Consolidation of Case No. WO-2007-0444 and Case No. WC-2007-0452 will not avoid unnecessary costs or delay. The two cases cannot be resolved in a single hearing and the two cases seek substantially different relief.

10. Staff's Complaint and Motion for Expedited Treatment is based in part on the threatened dissolution of Suburban Water and Sewer Co. by its owner Gordon Burnam. Suburban Water and Sewer Co.'s customers face the imminent harm of discontinuance of its water service.<sup>1</sup> By filing its Complaint and Motion for Expedited Treatment, Staff is attempting to minimize the immediate risk of harm to Suburban's customers. Consolidation of Case No. WO-2007-0444 and Case No. WC-2007-0452 may result in delay due to the need for the investigation requested by OPC in Case No. WO-2007-0444 to be completed. This delay could be detrimental to Suburban's customers.

**WHEREFORE**, Staff hereby objects to the consolidation of Case No. WO-2007-0444 and Case No. WC-2007-0452 and respectfully requests that the Commission rescind its Order consolidating these cases.

Respectfully submitted,

/s/ Jennifer Heintz

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Missouri Bar No. 57128

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Chief Litigation Counsel  
Missouri Bar No. 54758

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<sup>1</sup> The threatened loss of water service has garnered attention from the local media, a state senator, and a county commissioner.

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been delivered by first class mail postage prepaid to Suburban Water and Sewer Co. and Gordon Burnam, 1501 Vandiver #88, Columbia, MO 65202 and via electronic mail to Christina Baker, Office of the Public Counsel, at [Christina.Baker@ded.mo.gov](mailto:Christina.Baker@ded.mo.gov).

/s/ Jennifer Heintz\_\_\_\_\_