

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

FILED³

DEC 28 2004

Missouri Public
Service Commission

IN THE MATTER OF THE JOINT APPLICATION OF)
MISSOURI-AMERICAN WATER COMPANY AND BOTH)
OSAGE WATER COMPANY AND ENVIRONMENTAL)
UTILITIES, L.L.C., FOR AUTHORITY FOR MISSOURI-)
AMERICAN WATER COMPANY TO ACQUIRE THE)
WATER AND SEWER ASSETS OF BOTH ENTITIES, AND)
FR TRANSFER TO MISSOURI-AMERICAN WATER)
COMPANY OF CERTIFICATES OF CONVENIENCE)
AND NECESSITY TO CONTINUE OPERATION OF SUCH)
ASSETS AS WATER AND SEWER CORPORATIONS)
REGULATED BY THE MISSOURI PUBLIC SERVICE)
COMMISSION)

Case No. WO-2005-0086

**ANSWER OF INTERVENER HANCOCK TO REQUESTS FOR ADMISSIONS
FROM ENVIRONMENTAL UTILITIES**

REQUEST 1. That the proposed sale of assets of Environmental Utilities, LLC to Missouri American Water Co. as set forth in the Application and the Exhibits attached thereto is not detrimental to the interests of the members of the public.

Response to Request 1: Objection to Request 1 as calling for a legal conclusion and such conclusion is solely within the judgment of the PSC. Subject to the Objection lack sufficient information and knowledge upon which to form a belief as to whether the Admissions of Fact in Environmental Utilities Request for Admission No. 1 are true and therefore Deny the same.

REQUEST 2. That the proposed sale of assets of Osage Water Company to Missouri American Water Co as set forth in the Application and the Exhibits attached thereto is not detrimental to the interests of the members of the public who receive service from said assets.

Response to Request 2: Same Response as in Response 1 above and therefore denied.

REQUEST 3. That the proposed purchase by Missouri American Water Co of the water and sewer systems owned by Hurricane Deck Holding Co as set forth in the Application and the Exhibits attached thereto is not detrimental to the interests of the members of the public who receive service from said assets.

Response to Request 3: Same Response as in Response number 1 and 2 above and therefore denied.

REQUEST 4. That the proposed purchase by Missouri American Water Co of the sewer systems owned by Gregory D. Williams and Debra J Williams as set forth in the Application and the Exhibits attached thereto is not detrimental to the interests of the members of the public who receive service from said assets.


Response to Request 4: Same Response as in Response number 1, 2, and 3 above and therefore denied.

REQUEST 5. That the proposed sale of assets as set forth in the Application and the Exhibits attached thereto is not detrimental to the public.

Response to Request 5: Same Response as in Response number 1,2,3, and 4 above and therefore denied.

REQUEST 6. That the Missouri Public Service Commission does not have the legal authority to determine the interests of persons making claim to the proceeds of the sale of the assets of Osage Water Co. citing State ex rel. FEE FEE TRUNK SEWER, INC, vs. Litz, 596 SW 2d, 446 (Mo App E.D. 1980)

Response to Request 6: Objection to Request No. 6 as it calls for a legal conclusion and does not call for an admission of fact. Further objection that the Request calls for a legal opinion not a factual judgment and the case cited bears little or no relationship to the case at bar.



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CERTIFICATE OF SERVICE

The foregoing with attachment was mailed to the those listed below on this the 27 day of December, 2004, first class mail postage prepaid.

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