

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
MONROE BLUFF EXECUTIVE CENTER
601 MONROE STREET, SUITE 301
P.O. BOX 537
JEFFERSON CITY, MISSOURI 65102-0537
www.ncrpc.com

TELEPHONE: (573) 634-2266
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD
ROBERT J. BRUNDAGE
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH

January 20, 2005

FILED

JAN 20 2005

Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. WO-2005-0086

Dear Judge Roberts:

Enclosed for filing in the referenced matter please find the original and five copies of a Cedar Glen's Pretrial Brief.

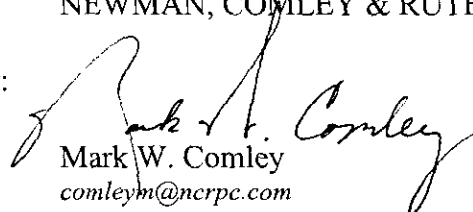
Would you please bring this filing to the attention of the appropriate Commission personnel.

Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Dean L. Cooper
Gregory Williams
Terry Allen
Tim Duggan
Karen Medders

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JAN 20 2005

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)
for the 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

CEDAR GLEN'S PRETRIAL BRIEF

Cedar Glen Condominium Owners Association, Inc. (hereinafter sometimes Cedar Glen¹),
has but one issue for the Commission's consideration:

ISSUE: Regarding the deep well and the wastewater treatment facilities used by Osage Water Company to provide water and sewer services respectively to Cedar Glen Condominiums (Cedar Glen) exclusively, is a sale or transfer of those facilities to Missouri American Water Company, instead of to Cedar Glen, detrimental to the public interest?

Osage Water Company (OWC) currently provides water and sewer service to the condominium owners in Cedar Glen Condominiums. There are approximately 212 unit owners. The facilities OWC uses to provide those services to the condominium owners serve no one else but Cedar Glen Condominiums. OWC charges \$16.36 per month as a minimum rate for water service and \$26.03 per month as the rate for sewer service. Each condominium owner in Cedar Glen Condominiums pays at a minimum the sum of \$42.39 per month for combined water and sewer service. Missouri American Water Company (MAWC) has represented that it will increase these rates after it acquires ownership of the assets.

Without violation of laws governing public utility operation and ownership, and without

¹ Any reference to "Cedar Glen" in the body of this brief will be to the Association and not generally to the condominiums themselves.

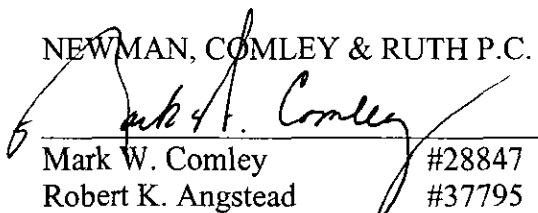
violation of environmental laws, rules and regulations governing operation of water or sewer systems, Cedar Glen can own and operate the deep well and wastewater collection and treatment facilities that OWC now uses exclusively for service to the condominiums. If Cedar Glen owned and operated these facilities, it estimates that unit owners would pay approximately \$12, if not less, per month for their water and sewer service combined, a reduction of at least 70% from their current rates.

Then unit owners represent a significant segment of the public affected by this proposed transaction. Under the rather extraordinary circumstances of this case, it is detrimental for the unit owners to have these specific utility assets controlled by anyone other than Cedar Glen. The Commission should not approve the proposed sale of the deep well and wastewater system that serve Cedar Glen Condominiums to MAWC.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley #28847

Robert K. Angstead #37795

601 Monroe Street, Suite 301

P.O. Box 537

Jefferson City, MO 65102-0537

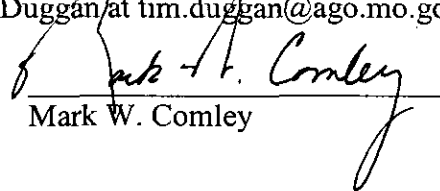
(573) 634-2266

(573) 636-3306 (FAX)

Attorneys for Cedar Glen Condominium Owners
Association, Inc.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 20th day of January, 2005, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; Dean L. Cooper at dcooper@brydonlaw.com; Gregory Williams at gregwms@charterinternet.com; Terry Allen at tallen@allenholdenlaw.com; Tim Duggan at tim.duggan@ago.mo.gov.


Mark W. Comley