

**FILED**

**APR 13 2005**

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

**Missouri Public  
Service Commission**

Edmond R. Ciarniello Jr. )  
Kirkwood Resident )  
Applicant )  
 )  
Secretary )  
Missouri Public Service Commission )  
Post Office Box 360 )  
Jefferson City, Missouri 65102 )  
Respondent )

Case No: WO-2005-0286

Date: April 11, 2005

**ANSWER TO ORDER DENYING INTERVENTION**

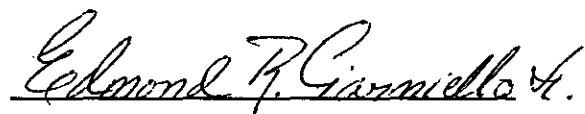
1. The Secretary of the Public Service Commission has acted against the public interest in his denial of the application to intervene by the writer.
2. 4 CSR 240-2.075 (4)(B) "Granting the proposed intervention would serve the public interest". The applicant for intervention admits similar interest to the general public. The applicant through research and expressed interest has specific knowledge serving the public interest. The applicant has learned facts of the proposed contracts that harm the public. Inclusion of one voice from the impacted community serves to balance the commission's hearing. 4 CSR 240-2.075 (4)(B) empowers the commission to permit intervention without regard to 4 CSR 240-2.075 (4)(A).
3. The Office of the General Counsel lacks preparedness to protect the general public. The Office of the General Counsel held no public hearings, performed no specific research, met with no parties, and attended no meetings in the impacted municipality.

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4. The Kirkwood City Council forum was not available to the general public. Ordinance 9437 was announced by Press Release and 1st read November 18, 2004. The 2nd reading and passage were December 2, 2004. Kirkwood never held a Town Hall meeting relative to contracts before the commission. To this date, future retail water rate increases remain undisclosed. The MAW/ Kirkwood contracts were drawn in the weeks following the enabling ordinance. No persons impacted by these contracts could speak on the dates November 18 or December 02, 2004, with any knowledge.

5. The City of Kirkwood publicized that the PSC must approve any contract for water. The public is left, by the municipality, with the PSC as it's sole forum for representation. Mr. Zobrist's opposition, to one request to intervene, out of a field of 9,374 residential water customers is detrimental to and phobic of the greater public interest.

6. Therefore, intervention in the above named case is again, respectfully requested.



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Served by first class mail April 11, 2005, to:

Secretary PSC, above  
R. O' Neill, OPC, PO, Jefferson City, MO  
K. Zobrist, Blackwell, Sanders, Kansas City, MO.