

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
November, 2006.

Dione C. Joyner,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0345</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**ORDER OVERRULING OBJECTION TO LATE-FILED EXHIBIT AND
DENYING REQUEST FOR AN EXTENSION OF TIME**

Issue Date: November 7, 2006

Effective Date: November 7, 2006

On October 13, 2006,¹ an evidentiary hearing was held in this matter. At the request of Commissioner Appling, Missouri-American Water Company ("MAWC") filed a Late-Filed Exhibit on October 20, which was marked as Exhibit 8. Exhibit 8 consists of the verified time sheet completed by MAWC's work crew for service order number 3328822, the service order associated with the disconnection of Ms. Joyner's water service. The exhibit reflects that four hours of labor time was logged by each member of the two-man work crew.

¹ All dates throughout this order refer to the year 2006 unless otherwise noted.

On October 23, the Commission issued an order allowing ten days for a response to MAWC's late-filed exhibit. On November 3, Ms. Joyner filed an objection to the admission of the exhibit stating that she had not received a copy of it for her review. Ms. Joyner requests a copy of the exhibit and requests an extension of time to respond to it. Curiously, Ms Joyner also asks the Commission to direct MAWC to correct a typographical error in the pleading attached to the exhibit.

Commission Rule 4 CSR 240-2.080(17)(C)(1) provides that service is completed upon mailing. Commission Rule 4 CSR 240-2.080(19) provides that every pleading or brief shall include a certificate of service and such certificate shall be adequate proof of service.

MAWC's late-filed exhibit included a certificate of service dated October 20. The certificate indicates that MAWC served a copy of its exhibit on Ms. Joyner, the Secretary of the Commission, the General Counsel's Office, Jennifer Heintz in the General Counsel's Office and Lewis R. Mills in the Office of the Public Counsel. Given that service to Ms. Joyner has been established with regard to this exhibit, and given that Ms. Joyner was able to identify a typographical error in the pleading attached to the exhibit, the Commission determines that Ms. Joyner was adequately serviced with a copy of the exhibit and had reasonable time to respond to its filing.

IT IS ORDERED THAT:

1. Dione C. Joyner's objection to the admission of Missouri-American Water Company's Exhibit 8 is overruled.
2. Dione C. Joyner's request for an extension of time to respond to Missouri-American Water Company's Exhibit 8 is denied.

3. Missouri-American Water Company's Exhibit 8 shall be admitted into evidence.
4. This order shall become effective on November 7, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Stearley, Regulatory Law Judge