

Office of the Public Counsel,)
an agency of the State of Missouri,)
COMPLAINANT)
)
v.) **Case No. WC-2007-0038**
)
Central Jefferson County Utilities, Inc.,)
RESPONDENT)

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response to Order Directing Filing Regarding Central Jefferson’s Status Report and Motion to Dismiss states as follows:

1. On June 7, 2007, Central Jefferson County Utilities, Inc. (Central Jefferson) filed a Status Report and Motion to Dismiss claiming that the transactions authorized in Central Jefferson's request to sell certain water and sewer assets to Jefferson County Public Sewer District in Case No. SO-2007-0071 were completed on June 1, 2007. Central Jefferson also claimed that because it no longer operates water or sewer properties, Public Counsel's overearnings complaint in the above stated case is moot.

2. Also, on June 7, 2007, in Case No. SO-2007-0071, the Missouri Public Service Commission (Commission) directed the Staff of the Public Service Commission (Staff) to file a report and recommendation no later than June 28, 2007 confirming that the authorized transfer of assets is complete, identifying the Case Number in which Central Jefferson was granted its certificate, identifying the tariff by tracking number that Central Jefferson is currently operating

under and providing a recommendation whether the Commission should cancel Central Jefferson's tariff and certificate.

3. At this time, Staff has not yet filed its report and recommendation in Case No. SO-2007-0071 and Central Jefferson remains under the jurisdiction of the Commission with a valid tariff and certificate of convenience and necessity.

4. Out of an abundance of caution, Public Counsel requests that a decision regarding Central Jefferson's Motion to Dismiss not be made until the Commission makes a determination in Case No. SO-2007-0071 that the transfer is complete and Central Jefferson's tariff and certificate of convenience and necessity should be cancelled. Once this determination has been made by the Commission, Public Counsel will not oppose Central Jefferson's Motion to Dismiss.

5. Public Counsel notes that the Evidentiary Hearing in this case is set for June 25-26, 2007 with Statements of Position and Prehearing Briefs due to be filed on June 18, 2007. Public Counsel agrees to a continuance of the Evidentiary Hearing as well as an extension of the deadline for filing Statements of Position and Prehearing Briefs to dates to be determined after the Commission's determination in Case No. SO-2007-0071, on the possibility that the Commission may determine that transfer is not complete and Central Jefferson's tariff and certificate of convenience and necessity should not be cancelled.

WHEREFORE, Public Counsel respectfully requests that a decision regarding Central Jefferson's Motion to Dismiss not be made until the Commission makes a determination in Case No. SO-2007-0071 that the transfer is complete and Central Jefferson's tariff and certificate of convenience and necessity should be cancelled.

Respectfully submitted,

OFFICE OF THE Public Counsel

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 13th day of June 2007:

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