

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2008-0030</u>
)	
Suburban Water and Sewer Co. and Gordon Burnam,)	
)	
)	
Respondents.)	

OFFICE OF THE PUBLIC COUNSEL'S POSITION STATEMENT

COMES NOW the Office of the Public Counsel (Public Counsel) and states its position on the issues in this case as follows:

1. Can Suburban provide safe and adequate water service to its customers today and in the future with the standpipe in its current condition?

(a) If the Commission determines Suburban cannot provide safe and adequate water service with the standpipe in its current condition, then what reasonable improvement(s) should be Commission order to resolve this issue?

Public Counsel believes there is sufficient evidence to show that the condition of the standpipe has deteriorated to such a degree that it threatens Suburban's ability to provide safe and adequate water service to its customers. Therefore, it is Public Counsel's position that Suburban cannot provide safe and adequate water service to its customers today and in the future with the standpipe in its current condition.

Customers of public water systems are to be provided safe and adequate water service at fair and reasonable prices. It is Public Counsel's position that the Commission should order any

improvements necessary that will best promote the public interest, preserve the public health, protect those using the water system and ensure the provision of safe and adequate water service in accordance with Sections 393.130 and 393.140(2) RSMo. It is also Public Counsel's position that any improvements undertaken by Suburban should be performed in a manner such that any resulting rates for water service are fair and reasonable.

2. Is the integrity of Suburban's water system sufficient to maintain a minimum water pressure of 20 psi and provide safe and adequate water service to Suburban's customers?

(a) If the Commission determines the integrity of Suburban's water system is insufficient to maintain a minimum water pressure of 20 psi or otherwise cannot provide safe and adequate water service, then what should the Commission order to resolve this issue?

Public Counsel believes there is sufficient evidence to show that the condition of the water system threatens Suburban's ability to maintain a water pressure of 20 psi and provide safe and adequate water service to its customers. Therefore, it is Public Counsel's position that the integrity of Suburban's water system is not sufficient to maintain a water pressure of 20 psi and provide safe and adequate water service to Suburban's customers.

Customers of public water systems are to be provided safe and adequate water service at fair and reasonable prices. It is Public Counsel's position that the Commission should order any improvements necessary that will best promote the public interest, preserve the public health, protect those using the water system and ensure the provision of safe and adequate water service in accordance with Sections 393.130 and 393.140(2) RSMo. It is also Public Counsel's position that any improvements undertaken by Suburban should be performed in a manner such that any resulting rates for water service are fair and reasonable.

3. Should Gordon Burnam be held personally liable for the obligations of Suburban Water Company because he owns, operates, controls and manages Suburban without regard to Suburban's corporate status?

Public Counsel believes that there is sufficient evidence to prove that Gordon Burnam owns, operates, controls and manages Suburban, a water corporation, without regard to Suburban's corporate status. Therefore, it is Public Counsel's position that Gordon Burnam should be held personally liable for the obligations of Suburban Water Company.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____
Christina L. Baker (#58303)
Senior Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-5565
(573) 751-5562 FAX
christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 2nd day of July 2008:

Office General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
PO Box 360
Jefferson City MO 65102

Shelley Syler Brueggemann
Steven C. Reed
Office of the General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
PO Box 360
Jefferson City, MO 65102
shelley.brueggemann@psc.mo.gov
steven.reed@psc.mo.gov

Matthew Volkert
Thomas Harrison
Van Matre, Harrison, and Volkert P.C.
1103 East Broadway
Columbia, MO 65202
Matt @vanmatre.com
Tom@vanmatre.com

/s/ Christina L. Baker
