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October 17, 2002

**HAND DELIVERY**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>2</sup>**  
OCT 17 2002  
Missouri Public  
Service Commission

**Re: Office of the Public Counsel v Warren County Water and  
Sewer Company and Gary L. Smith, WC-2002-155, et al.**

Dear Mr. Roberts:

Enclosed for filing in the above case is original and eight copies of  
APPLICATION FOR REHEARING.

If you have any questions concerning this filing, please contact Paul DeFord in  
our Kansas City office.

Thank you for your attention to this matter.

Sincerely,

LATHROP & GAGE L.C.

By:   
Susan C. Kliethermes  
Paralegal

enclosures

cc: Office of Public Counsel  
Office of General Counsel

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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

The Staff of the Missouri  
Public Service Commission,  
  
                    Complainant,  
v.  
Warren County Water and Sewer  
Company,  
  
and  
Gary L. Smith  
  
                    Respondents.

Case No. WC-2002-155, et al.

**FILED<sup>2</sup>**  
OCT 17 2002  
Missouri Public  
Service Commission

**APPLICATION FOR REHEARING**

COME NOW Warren County Water and Sewer Company ("Company") and Gary L. Smith, (collectively "Respondents") pursuant to Section 386.500 RSMo., and for their Application for Rehearing state as follows:

1. On October 8, 2002, the Missouri Public Service Commission ("Commission") issued its *Report and Order* in the above-captioned case. Respondents seek rehearing of the Commission's *Report and Order* because it is unlawful, unjust and unreasonable on the following grounds:

2. The Commission's *Report and Order* is unlawful in that it fails to make adequate findings of facts and conclusions of law.

3. The *Report and Order* is further unlawful, unjust and unreasonable in that it is not based upon sufficient competent and substantial evidence.

4. The *Report and Order* of the Commission constitutes an abuse of discretion because it is in large part based upon hearsay evidence that Respondents timely objected to its admission.

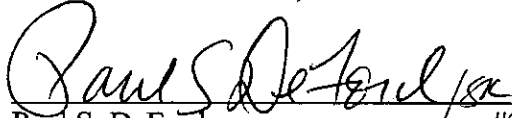
5. The Commission's *Report and Order* is not supported by the weight of the only competent and substantial evidence. To the extent there were deficiencies in the quality of service provided by the Company, they were directly related to the Commission's ongoing failure to allow Respondents to earn adequate revenues to operate the Company.

6. The Commission's *Report and Order* is unlawful insofar as it purports to assert jurisdiction over Gary L. Smith.

WHEREFORE, for all of the foregoing reasons Respondents request that the Commission rehear, reconsider and modify its *Report and Order* in a manner consistent with this Motion.

Respectfully submitted,

LATHROP & GAGE, L.C.

  
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ATTORNEYS FOR WARREN COUNTY WATER  
AND SEWER AND GARY L. SMITH

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document were served to the following by hand-delivery on this 17th day of October, 2002:

Mr. Keith Krueger  
Office of General Counsel  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, Missouri 65101

Ms. M. Ruth O'Neill  
Office of Public Counsel  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, Missouri 65101

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