LAW OFFICES

BRYDON, SWEARENGEN & ENGLAND

PROFESSIONAL CORPORATION
312 EAST CAPITOL AVENUE
P.O. BOX 456
JEFFERSON CITY, MISSOURI 65102-0456
TELEPHONE (573) 635-7166
FACSIMILE (573) 635-3847

DEAN L. COOPER MARK G. ANDERSON GREGORY C. MITCHELL BRIAN T. MCCARTNEY DIANA C. FARR JANET E. WHEELER

OF COUNSEL RICHARD T, CIOTTONE

August 26, 2004

E-Mail; dcooper@brydonlaw.com

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

AUG 2 6 2004

RE:

DAVID V.G. BRYDON

GARY W. DUFFY

PAUL A. BOUDREAU

SONDRA B. MORGAN CHARLES E. SMARR

JAMES C. SWEARENGEN

WILLIAM R. ENGLAND, III

JOHNNY K. RICHARDSON

Highway H Utilities, Inc.

Case No. WA-2004-0588, et al.

Missouri Public Service Commission

Dear Mr. Roberts:

Enclosed for filing on behalf of Highway H. Utilities, Inc. are the original and eight (8) copies of its Response to Staff Recommendation. Please do not hesitate to contact me with any questions.

Thank you for your attention to this matter.

Sincerely,

BRYDØN, SWEARENGEN & ENGLAND P.C.

By:

Dean L. Cooper

DLC/jar

cc:

Enclosures

Mary E. Weston, Office of the General Counsel

Ruth O'Neill, Office of the Public Counsel



BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

)	eenlee Commission
)	- Commission
)	
)	Case No. WA-2004-0588, et al.
)	
)	
)	
)	
))))))))))))))))))))

RESPONSE TO STAFF RECOMMENDATION

COMES NOW Highway H Utilities, Inc. ("Highway H" or "Company"), by and through counsel, and, in response to the Staff Recommendation, states to the Missouri Public Service Commission ("Commission") as follows:

- 1. On August 16, 2004, the Staff of the Commission ("Staff") filed its Recommendation wherein, among other things, it stated:
 - that it believes Highway H has met the criteria established by the Commission and specified in Section 393.170(3) for the issuance of certificates of convenience and necessity; and,
 - that it recommends that the certificates requested by Highway H be approved, subject to certain conditions (the filing of identified water and sewer tariff sheets; agreement to book all utility plant placed into service, whether contributed or not; and, recognition that the order shall not bind the Commission for ratemaking purposes).
- 2. Highway H hereby states that it has no objection to the recommendations made by the Staff and requests that the Commission issue an order that is consistent therewith.
 - 3. Highway H would also like to take this opportunity to correct a statement reflected

in the Staff Recommendation. On page 3 of the Official Case File Memorandum, it is said that "Mr. Jerry Laughlin, who is a developer and businessman in the area, owns the Company." Mr. Laughlin is a developer and businessman in the area, and is the long time manager of Highway H. However, the shares of Highway H are owned by Four J Land and Cattle Company. Four J is in turn owned by several of Mr. Laughlin's family members.

WHEREFORE, Highway H Utilities, Inc. respectfully requests that the Commission issue its order:

- (a) Granting Highway H Utilities, Inc. permission, approval and a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain water and sewer systems for the public in an unincorporated area of Pulaski County, Missouri, as is more particularly described in the Application, subject to the conditions identified by the Commission Staff; and,
 - (b) Granting such further relief as the Commission deems appropriate.

Respectfully submitted,

Dean L. Cooper

.. Cooper // #36592

BRYDON, SWEARENGEN & ENGLAND P.C.

P.O. Box 456

Jefferson City, MO 65102-0456

(573) 635-7166

(573) 635-3847 fax

dcooper@brydonlaw.com

ATTORNEYS FOR HIGHWAY HUTILITIES, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by electronic mail, on August **Z**, 2004, to the following:

Mary E. Weston Office of the General Counsel Governor Office Building Jefferson City, MO 65101

Ruth O'Neill Office of the Public Counsel Governor Office Building Jefferson Gity, MO 65101