

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of S. K. & M. Water and Sewer)	<u>Case No. WR-2007-0460</u>
Company's Rate Increase Request)	Tariff No. YW-2007-0864

In the Matter of S. K. & M. Water and Sewer)	<u>Case No. SR-2007-0461</u>
Company's Rate Increase Request)	Tariff No. YS-2007-0865

ORDER GRANTING ADDITIONAL TIME TO RESPOND TO THE OFFICE
OF THE PUBLIC COUNSEL'S MOTION TO COMPEL

Issue Date: June 25, 2007

Effective Date: June 25, 2007

On June 21, 2007, the Office of the Public Counsel ("OPC") filed a Motion to Compel Discovery and a Request for Expedited Treatment of that motion in these matters. That same date, the Commission directed S. K. & M. Water and Sewer Company ("S. K. & M."), and any other proper party, to respond to OPC's motion no later than 8:00 a.m. on June 25, 2007.

On June 25, 2007, counsel for S. K. & M. requested additional time to respond to OPC's motions. Counsel for S. K. & M. explains that he was unaware that the Regulatory Law Judge's order been issued until approximately 8:00 a.m. on Monday, June 25th, which made it impossible for the company to file its response to OPC's motion by the date and time specified in that order. S. K. & M.'s lack of knowledge of the order is attributable to three factors: a) the General Manager of S. K. & M., Angela Swan, is currently out of the state on vacation and, therefore, was unable to receive any

e-mail notice of the Regulatory Law Judge's order; b) SK&M's counsel did not – and has not to this date – received any electronic notice that the Regulatory Law Judge had issued an order directing an expedited response to Public Counsel's motion; and c) S. K. & M.'s counsel was out of his office all day on Friday, June 22, 2007.

Counsel for S. K. & M. further notes that a public hearing is scheduled this evening in Perryville, Missouri, and S. K. & M.'s counsel will be traveling from Jefferson City to attend that hearing. Prior to that hearing, he also will be meeting with officials of the company to discuss whether to respond to the data requests that OPC has submitted. This meeting was scheduled shortly after the conclusion of the discovery conference on June 21st – several hours before either OPC filed its Motion to Compel or the Regulatory Law Judge issued his order for an expedited response.

S. K. & M. may want to respond to OPC's Motion to Compel, but that will not be known until after counsel and the company have had an opportunity to confer. If S. K. & M. decides to file a response, the company requests that it be given until 1:00 p.m. on Tuesday, June 26, 2007, to do so. That will allow the S. K. & M.'s counsel to return to Jefferson City from the public hearing and to prepare and file an appropriate response. S. K. & M. does not believe that its request for additional time will prejudice any party to this case.

The Commission finds S. K. & M.'s request to reasonable, but given the expeditious nature of the current proceedings, and the fact that the Commission wishes to consider OPC's motions during its scheduled Agenda meeting on June 26, 2007 at 9:30 a.m., it will grant S. K. & M.'s request but set the time for response for 9:30 a.m.

IT IS ORDERED THAT:

1. S. K. & M. Water and Sewer Company's Motion for Additional Time to Respond to Public Counsel's Motion to Compel is granted.
2. No later than 9:30 a.m., June 26, 2007, S. K. & M. Water and Sewer Company shall respond to the Office of the Public Counsel's Motion to Compel Discovery and Motion for Expedited Treatment.
3. This order shall become effective on June 25, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of June, 2007.