

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

Seth and Jeanette Langton,)	
)	
Complainants,)	
)	Case No. WC-2008-0350
v.)	
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**RESPONSE TO THE COMMISSION’S ORDER DIRECTING THE PARTIES
TO FILE STIPULATION OF RELEVANT, MATERIAL FACTS NOT IN DISPUTE**

COMES NOW the Staff of the Missouri Public Service Commission, on its own behalf and on behalf of Respondent Missouri-American Water Company (MAWC), and, for its Response to the Commission’s Order Directing the Parties to File Stipulation of Relevant, Material Facts Not in Dispute, states to the Commission as follows:

1. Following a prehearing conference on July 14, 2008, the Commission issued its Order Directing the Parties to File Stipulation of Relevant, Material Facts Not in Dispute and Granting Complainants Leave to Amend Their Complaint, effective July 23, 2008.
2. In its Order, the Commission noted that MAWC and Staff sought to have this case dismissed because they alleged that the Langtons had requested relief that the Commission could not legally grant.
3. In lieu of approving a procedural schedule, the Commission directed the parties to jointly file a stipulation as to all material facts not in dispute, because the “Commission is unsure at this point if it is faced with only a decision on a matter of law or if there are relevant, material facts in dispute that relate to a form of relief the Commission is authorized to grant.”

4. Staff and MAWC believe that there are no relevant, material facts in dispute that relate to a form of relief the Commission is authorized to grant, and reaffirm their belief that this case should be dismissed.

5. In addition, undersigned counsel for Staff states that it is her understanding that the Langtons no longer wish to pursue this complaint and, therefore, did not wish to join in this filing.

WHEREFORE, based on the foregoing, the Staff, on behalf of itself and Missouri-American Water Company, respectfully requests that the Commission dismiss the Complainants' Complaint.

Respectfully submitted,

/s/ Shelley Syler Brueggemann

Shelley Syler Brueggemann

Missouri Bar No. 52173

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360

Jefferson City, MO 65102

(573) 526-7393 (Telephone)

(573) 751-9285 (Fax)

shelley.brueggemann@psc.mo.gov (e-mail)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13th day of August 2008.

/s/ Shelley Syler Brueggemann