

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

FILED⁴

FEB 03 2004

In the Matter of Missouri-American Water)
Company's Tariff Sheets Designed to)
Implement General Rate Increases for)
Water and Sewer Service Provided to)
Customers in the Missouri Service Area of)
the Company.)

Case No. WR-2000-0281

Missouri Public
Service Commission

**RESPONSE OF CITY OF JOPLIN TO ORDER SETTING
PRE-HEARING CONFERENCE AND DIRECTING FILING**

COMES NOW the City of Joplin, and pursuant to the Order issued by this Commission on January 22, 2004, responds to the questions presented as follows:

1. Will the issues remanded be mooted by the Commission's Report and Order in Case No. WR-2003-0500?

No. The City of Joplin does not believe that the question relating to the legality of inter-district subsidies drawn from Joplin is mooted by the Commission's Report and Order in Case No. WR-2003-0500, nor has that issue been addressed in any settlement agreement or document or stipulation presented to the Commission on behalf of all the parties, including the City of Joplin, in that case.

2. Can any relief realistically be obtained with respect to the inter-district subsidy drawn from Joplin, the requested phase-in of rates, or the allocation of distribution costs to the industrial customers in St. Joseph?

Yes. Relief may be obtained with respect to the inter-district subsidy drawn from Joplin. Joplin's position is that such inter-district subsidy is not authorized under Chapter 386 and is not based upon any findings of fact issued by the Commission. Accordingly, the amount of the inter-

district subsidy over all the years that it has been collected should be either refunded to the ratepayers of the Joplin District or the rates of the Joplin District should be reduced in an amount so as to recoup the inter-district subsidy that was improperly collected. The City of Joplin takes no position with respect to the other two issues, the requested phase-in of rates or the allocation of distribution costs to industrial customers in St. Joseph.

3. What can the Commission do to allow these questions (St. Joseph Water Treatment Plant and shift from STP to DSP) to move forward on appeal more quickly?

The Commission should enter findings of fact referencing the evidence as presented to the Commission during the hearings and testimony in Case No. WR-2000-0281. The Commission should also in its Order specify the statutory provisions and legal analysis made with respect to the issues outstanding in Case No. WR-2000-0281, which would allow the Order of the Commission to be completed, so the case can move forward on judicial review.

Respectfully submitted,

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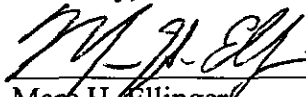
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent U.S. Mail, postage prepaid, to Mr. Cliff Snodgrass, Attorney for the Staff of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102 and were sent via electronic transmission to Ruth O'Neill of Office of the Public Counsel, Email address <roneill@ded.state.mo.us>, Jan Bond of Diekemper, Shinnars, Turcotte & Larrew, P.C., Email address, <jbond@dhstl.com>, Lisa C. Langeneckert of Blackwell, Sanders, Peeper & Martin, L.L.P., Email address <llangeneckert@blackwellsanders.com>, Robert Johnson of Blackwell, Sanders, Peeper & Martin, L.L.P., Email address <rjohnson@blackwellsanders.com>, Mark W. Comley, City Attorney of Newman Comley & Ruth, P.C., Email address <comleym@ncrpc.com>, Charles Brent Stewart of Stewart & Keevil, L.L.C., Email address <stewart499@aol.com>, Jeffrey A. Keevil of Stewart & Keevil, L.L.C., Email address <per594@aol.com>, James Fischer of Fischer & Dority, P.C., Email address <jfischerpc@aol.com>, Larry Dority of Fischer & Dority, P.C., Email address <ldority@sprintmail.com>, W.R. England, III of Brydon, Swearingen & England, P.C., Email address <trip@brydonlaw.com>, Dean L. Cooper of Brydon, Swearingen & England, P.C., Email address <dcooper@brydonlaw.com>, Stuart Conrad of Finnegan, Conrad & Peterson, L.C., Email address <stucon@fcplaw.com>, Jeremiah Fennigan of Finnegan, Conrad, & Peterson, L.C., Email address <jfennigan@fcplaw.com>, Leland Curtis of Curtis, Oetting, Heinz and Garrett, P.C., Email address <lcurtis@cohgs.com>, Karl Zobrist of Blackwell, Sanders, Peeper & Martin, L.L.P., Email address <kzobrist@blackwellsanders.com>, Diana Vuylsteke of Bryan Cave, L.L.P., Email address <dmvuylsteke@bryancave.com>, and Cliff Snodgrass Missouri Public Service Commission Staff, Email address <cliffsnodgrass@psc.state.mo.us>, on this 3rd day of February, 2004.



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