

CIVIL PROCEDURE FORM NO. 8-A(2)



IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

FILED
July 24, 2020
Data Center
Missouri Public
Service Commission

Judge or Division: Missouri Public Service Commission		Circuit Court Case Number: WO-2020-0190	
Plaintiff/Petitioner: The Missouri Office of the Public Counsel	Appellate Number:	<input type="checkbox"/> Filing as an Indigent	
	Date of Judgment/Decree/Order: (ATTACH A COPY) June 17, 2020	Court Reporter:	
vs. Defendant/Respondent: Missouri Public Service Commission And Missouri American Water Company	Date Post Trial Motion Filed: June 26, 2020	Sound Recording Equipment	
	Date Ruled Upon: July 23, 2020	The Record on Appeal will consist of: <input type="checkbox"/> Legal File only or <input checked="" type="checkbox"/> Legal File and Transcript	

(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District: Western Eastern Southern

Notice is given that <u>The Missouri Office of the Public Counsel</u> appeals from the judgment/decree/order entered in this action on <u>July 24, 2020</u> (date).	
Appellant's Name (If multiple, list all or attach additional pages) The Missouri Office of the Public Counsel	Respondent's Name (If multiple, list all or attach additional pages) Missouri Public Service Commission; And Missouri-American Water Company
Address 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, Mo. 65102	Address 200 Madison Street PO Box 360 Jefferson City, Mo. 65102 And 727 Craig Road St. Louis, MO 63141
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Marc Poston, Mo. Bar No. 45722 John Clizer, Mo. Bar No. 69043	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Shelley Bruggemann, Mo. Bar No. 52173 And Dean L Cooper, Mo. Bar No. 36592 Timothy W. Luft, Mo. Bar No. 40506
Address 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, Mo. 65102	Address 200 Madison Street PO Box 360 Jefferson City, Mo. 65102 And

	<p>P.O. Box 456 312 East Capitol Jefferson City MO 65102</p> <p>727 Craig Road St. Louis, MO 63141</p>
<p>E-mail Address</p> <p><u>Marc.poston@opc.mo.gov</u> <u>John.clizer@opc.mo.gov</u></p>	<p>E-mail Address</p> <p><u>shelley.brueggemann@psc.mo.gov</u></p> <p>v And</p> <p><u>dcooper@brydonlaw.com</u> <u>timothy.luft@amwater.com</u></p>
<p>Telephone</p> <p>Poston: (573) 751-5318 Clizer: (573) 751-5557</p>	<p>Telephone</p> <p>PSC: (573) 526-7393</p> <p>And</p> <p>Cooper: (573) 635-7166 Luft: (314) 996-2279</p>
<p>Brief Description of Case (May be completed on a separate page)</p> <p>Application of Missouri-American Water Company for Approval to Change an Infrastructure System Replacement Surcharge (ISRS).</p>	
<p>Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)</p> <p>Appellant expects to raise the following as issues: (1) that the Missouri Public Service Commission's June 17, 2020, Report and Order was unlawful, unjust, and/or unreasonable because it incorrectly calculated the amount of the supposed net operating losses that it permitted MAWC to recover for in this case; (2) that the Missouri Public Service Commission's June 17, 2020, Report and Order was unlawful, unjust, and/or unreasonable because it incorrectly determined that the IRS found that a net operating loss can occur during an interim period and thus erred in finding there was a net operating loss at all; (3) that the Missouri Public Service Commission's June 17, 2020, Report and Order was unlawful, unjust, and/or unreasonable because it incorrectly permitted MAWC to engage in an unlawful and impermissible collateral attack on its own prior decisions as well as the decisions of the Western District Court of Appeals; and (4) that the Missouri Public Service Commission's June 17, 2020, Report and Order was unlawful, unjust, and/or unreasonable because it failed to properly account for CIAC and other revenues based on an erroneous legal position.</p>	

Docket Fee Information

- The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- No docket fee is being tendered because:
 - a docket fee is not required by law pursuant to Rule 100.02(b) §483.500.1 (cite specific statute or other authority).
 - a motion to prosecute the appeal in forma pauperis has been or will be filed.
 - a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant

John Clizer

Date

07/24/2020

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on July 24, 2020 (date), a copy of the foregoing was sent to the following by facsimile, hand- delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

Missouri Public Service Commission; Missouri-American Water Company

John Clizer

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, _____ District.

- Docket fee in the amount of \$70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.
- No docket fee was received.

Date

Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone