

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

In the Matter of the Petition of Missouri-American)
Water Company for Approval to Establish an)
Infrastructure System Replacement Surcharge (ISRS)) **File No. WO-2019-0184**

**RESPONSE TO COMMISSION
ORDER DIRECTING FILING**

COMES NOW the Office of the Public (OPC or Public Counsel), by and through counsel, and in response to the Commission’s *Order Shortening Time to Respond (Order)* and respectfully states as follows:

1. At the end of the hearing in this case, Judge Hatcher inquired whether there was any part of the record from the last Missouri American Water Co. (MAWC) ISRS case that anyone would like to have included in the record of this case.
2. Public Counsel requested the entire transcript be admitted into evidence in this case due in part to the facts in both cases being essentially identical.
3. In its Order the Commission directed Public Counsel to state, with specificity, as to the facts or issue and which page and line numbers of testimony are needed from WO-2018-0373 that were not in the record of the current case, WO-2019-0184.
4. Public Counsel requested the entire transcript be put into this record to put into context the following: When OPC asked Mr. Wilde whether an NOL attaches to specific assets, he essentially responded no. Question by Public Counsel: “An NOL is not attached to any certain infrastructure, any particular asset?” Mr. Wilde answered: “You’re correct with that.” Tr. Vol. 1, 52:16-18. There was no redirect regarding Mr. Wilde’s response. Mr. Wilde’s redirect is found in Tr. Vol. 1. at page 69, line 6 through page 73 line 3.

5. In addition, in its *Brief* OPC expects to quote several passages from the Commission's December 5, 2018 *Report and Order* in the WO-2018-0373 MAWC ISRS case, some of which cite to the transcript in that case as support for its findings. For example, in support of its finding at para. 20 of the *Report and Order*: "MAWC did not generate any NOL in the 2018 ISRS Period" the Commission cited "Hearing Transcript, p. 40 (John Riley); Direct Testimony of John Riley, p. 3; Direct Testimony of Lisa M. Ferguson, p. 7."

6. Public Counsel does not oppose MAWC's suggestion that the prefiled direct testimony from the 2018 case, as well as the transcript, be included in the record of this case.

WHEREFORE, for the reasons stated above, Public Counsel continues to request that the Commission admit the transcript from Case No. WO-2018-0373, but does not object to MAWC's suggestion that the prefiled direct testimony from Case No. WO-2018-0373 be included in the record of this case, if the Commission admits in this case the transcript from Case No. WO-2018-0373.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 22nd day of May, 2019.

/s/ Lera Shemwell