

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

In the Matter of Missouri-American Water)
Company’s Request for Authority to Implement)
General Rate Increase for Water and Sewer)
Service Provided in Missouri Service Areas.) **File No. WR-2022-0303**

MAWC’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW Missouri-American Water Company (“MAWC”) and for its *Response to Order Directing Filing*, respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

1. On February 14, 2023, MAWC filed its *Motion for Leave to Late File the Rebuttal Testimony of Takisha Walker*.

2. On February 16, 2023, Staff filed a *Motion to Strike MAWC’s Rebuttal Testimony of Takisha Walker and to Deny MAWC’s Motion for Leave to Late Tile Rebuttal Testimony of Takisha Walker (“Staff’s Motion”)*. Staff requests the Commission deny MAWC’s motion and strike Ms. Walker’s Rebuttal Testimony. In the alternative, Staff requests the Commission allow Staff to respond to Ms. Walker’s Rebuttal Testimony through the true-up phase or through live surrebuttal testimony during the scheduled hearing and be granted an enlargement of time to request data requests on the limited issue addressed in Ms. Walker’s testimony.

3. Also on February 16, 2023, the Commission issued its *Order Directing Filing*, directing parties to respond to MAWC’s and Staff’s motions no later than February 17, 2023.

4. On February 17, 2022, the Office of the Public Counsel (“OPC”) filed a *Response in Support of Staff’s Motion to Strike and In Opposition to MAWC’s Motion for Leave* supporting Staff’s Motion and further requesting in the alternative that the Commission afford *all* parties to this matter an opportunity to respond to Ms. Walker’s Testimony and an enlargement of time to

submit data requests on limited issues addressed in Ms. Walker's Rebuttal Testimony.

5. On January 18, 2023, MAWC properly served the Rebuttal Testimony of Ms. Walker on all parties in this case, pursuant to Commission Rule 20 CSR 4240-2.080(16) (A), which states, "Any person entitled by law may serve a document on a represented party by ...transmitting it to the email address of the party's attorney." The Rule further states, "Service by email is complete upon actual receipt". 20 CSR 4240-2.080(16) (C). MAWC met the requirements of the Commission Rules when serving Ms. Walker's Rebuttal Testimony to all attorneys of record in this case on January 18, 2023.

6. Staff, OPC and all other parties have been in possession of Ms. Walker's Rebuttal Testimony since January 18, 2023, and therefore each party, including Staff and OPC, had the opportunity to review it, to submit additional data requests, and to provide responsive testimony when the Surrebuttal Testimony was due. No party was prejudiced because the Company did not file it in the Commission's Electronic Filing System until February 14, 2023.

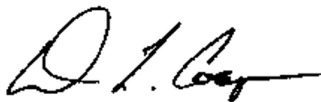
7. On February 17, 2023, MAWC received twenty data requests from Staff related to Ms. Walker's Rebuttal Testimony. MAWC did not object to the late filed nature of these requests and intends to provide responses as quickly as possible.

8. Additionally, MAWC does not object to other parties providing late filed surrebuttal testimony in response to Ms. Walker's Rebuttal Testimony. The Company believes that such written testimony could be filed and served prior to the issue being heard, given that the hearing currently extends until March 10, 2023.

WHEREFORE, MAWC respectfully requests that the Commission grant the Company's *Motion for Leave to Late File the Rebuttal Testimony of Takisha Walker* and deny the Staff's *Motion to Strike MAWC's Rebuttal Testimony of Takisha Walker and to Deny MAWC's Motion*

for Leave to Late File Rebuttal Testimony of Takisha Walker and to deny OPC's Response in Support of Staff's Motion to Strike and In Opposition to MAWC's Motion for Leave .

Respectfully submitted,



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**ATTORNEYS FOR MISSOURI-AMERICAN
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail to all counsel of record this 17th day of February 2023.

