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

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

## MAWC'S RESPONSE TO OPC REQUEST

**COMES NOW** Missouri-American Water Company ("MAWC" or "Company"), and, as its *Response to OPC Request*, respectfully states as follows to the Missouri Public Service Commission ("Commission"):

- 1. In response to the Regulatory Law Judge's inquiry, the Office of the Public Counsel ("OPC") on May 20, 2019, filed its *Request the Commission Include the Transcript From WO-2018-0373 in the Record in This Case*. OPC requests that the transcript from Case No. WO-2018-0373 be included in the record in this case. OPC suggests in support of its request that the issue in this case is "closely related if not identical" to that in Case No. WO-2018-0373.
- 2. MAWC agrees with OPC as to the issue similarity. However, the lack of a reply brief in this matter complicates the issue. For example, OPC may seek to use portions of the transcript that are different in some way from the testimony that has been presented in this case. Because testimony from that case was not presented to the witnesses in this case and there is no reply brief, there will be no opportunity to respond to whatever use OPC makes of the transcript.
- 3. Further, the transcript alone in a Commission case is not a complete representation of the record. Unlike a civil case, the equivalent of direct testimony in a Commission case is found in pre-filed testimony not included in the transcript. Thus, to the extent the Commission believes the Case No. WO-2018-0373 transcript should be included in

the record, it should also include the pre-filed testimony from Case No. WO-2018-0373 that forms the basis for the cross-examination included in the transcript.

4. Accordingly, for the reasons stated above, MAWC requests that the Commission deny the OPC request to include the Case No. WO-2018-0373 transcript in the record or, in the alternative, asks that in addition to the WO-2018-0373 transcript, the pre-filed Direct Testimony also be included in the record.

**WHEREFORE**, MAWC submits this *Response to OPC Request* for the Commission's consideration.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

1 hereby certify that a copy of the above and foregoing document was sent via electronic mail on this 21<sup>st</sup> day of May, 2019, to:

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