

references, quotations, and exhibits in the Staff's motion presents no opportunity for Respondents to cross examine the witness whose testimony is being offered or to rebut it otherwise effectively. Making these references and attaching the exhibits to the Staff's motion is an improper attempt to get evidence before the Commission through the "back door" in an improper attempt to influence the Commission without the procedural and other safeguards attendant to an evidentiary hearing. For these reasons, Respondents request that all references to, quotations from, and exhibits from the deposition of Clyde Zelch which are included in Staff's motion be stricken entirely and not considered by the Commission at this time.

3. If and to the extent that the Commission overruled the Motion to Strike, then Respondents offer the following in response to the Staff's motion:

a. Respondents reserve the right to present evidence to the Commission in this proceeding with regard to the quality of water that the Suburban system is producing. That evidence includes but is not limited to the results of regular water tests submitted by Suburban to the Missouri Department of Natural Resources.

b. Respondents point out that Mr. Zelch did not undertake an investigation as to the quality of water being produced by the Suburban Water System.

c. Specifically, paragraph 5 of the Staff's motion mistates the testimony that was given by Mr. Zelch in his deposition. The conclusion stated in the beginning of paragraph 5 of the Staff's motion was that the Suburban Water "is not sufficiently chlorinated." That implies that the water that is being produced by the system is unsafe. There was no testimony in Mr. Zelch's deposition to that effect.

d. Respondents cite the Commission to pages 66 through 68 of the Zelch deposition in which he states and recommends that eventually the neighboring public water supply district should take over the Suburban system or alternatively that a hydropneumatic tank would be allowed by the state to be installed. A hydropneumatic system could be installed at a substantially lower cost according to Mr. Zelch. Pages 66 through 68 from the Zelch deposition are attached hereto and incorporated herein by reference.

WHEREFORE, Respondents respectfully request that the Commission grant Respondents' motion to strike or alternatively consider the foregoing responses.

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The undersigned certifies that a complete and conformed copy of the foregoing document was mailed to each attorney who represents any party to the foregoing action, by U.S. Mail, postage prepaid in the proper amount, at said attorney's business address.

/s/ Thomas M. Harrison

Dated: January 14, 2008

1 Q Okay.

2 A In cleaning out the tank, you're right here in
3 the bottom of the tank, and there's one pipe that comes
4 in. That's it. It's a single pipe.

5 Q Okay. And then we talked a while ago, it would
6 cost approximately, if we got a good deal, 64,000 to
7 replace the stand pipe with a used stand pipe. Are there
8 any other options available other than stand pipe? I
9 mean, clearly, I mean, there's other water retention and
10 detention systems and delivery systems that are out there.
11 Is there something, in your opinion, that would make --
12 make sense for this type of system?

13 A Look at the whole thing in the long range. This
14 man's wanting out of the water business. I'm sure he
15 borders the water district. Somebody told me he's got an
16 interconnect with the water district. So the water
17 district would take him over, but -- but he don't have
18 things up to what they want.

19 So, eventually, the water district's going to
20 take him over. This is almost -- can't hardly argue with
21 it. That's what everybody kind of wants to happen, I
22 think.

23 He probably ought to look at whether the State
24 would let him set in hydropneumatic tanks instead of
25 replacing this stand pipe.

1 Q What would the cost of a similar hydropneumatic
2 system be that would service the people that it needs to
3 serve there?

4 A The State has some regulations on hydros. They
5 don't want a system of any real size to operate on
6 hydropneumatic. Makes sense. This is small enough, they
7 probably would let him run on hydropneumatic. The min --
8 the State sets a minimum amount of gallons in theoretical
9 storage that you would have to have in a hydropneumatic
10 system at 35 gallons per person.

11 Okay. So you figure this out how -- how many
12 people times 35. We need X number of gallons in
13 hydropneumatic. I think he could probably spend less
14 dollars setting in a hydropneumatic system than -- that
15 would meet the regs than in replacing this tank.

16 And in two years or ten years, wouldn't make any
17 difference, when the water district does finally take it
18 over, if he's got a good used stand pipe, 6 by 80 or 90
19 standing there, that now is abandoned because they
20 wouldn't want it.

21 The water district wouldn't want it at all.
22 It's just a headache for them. Now they've got to get rid
23 of it. They're going to have to pay somebody money to
24 come take it down, whereas, if he had a good
25 hydropneumatic system, he would have a tank or two tanks.

1 And in my mind, it would be two tanks, that even
2 if you couldn't sell them, but you probably could sell
3 them, you could at least get rid of them for a whole lot
4 less money that you can get a stand pipe taken down.

5 I think it would make sense for this guy to look
6 at and try to get the State to go along with putting in a
7 hydropneumatic system.

8 Q Okay. And then --

9 A It could be done for less money. And I think in
10 the end, the end result, everybody would be happier with
11 it. And that would solve the pressure problems because
12 now you could take that same 2040 switch and adjust it to
13 3050 because 2040 or 3050 is the same switch.

14 There's no difference. They just tighten the
15 spring down a little bit. And your system now operates
16 still in a reasonably wide range, but it could be narrowed
17 to 15 pounds. And you would never fall down to this super
18 low pressure level.

19 Q And then just, lastly, as clarification, again,
20 your opinion is the tower is not structurally a problem as
21 far as it's not going to fall down tomorrow, at least, you
22 know --

23 A I don't think it will fall down tomorrow.

24 Q Okay.

25 A And I wouldn't spend a dime trying to fix it.