

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

In the Matter of Missouri-American Water	)	
Company's Request for Authority to	)	
Implement a General Rate Increase for	)	<b>Case Nos. WR-2011-0337</b>
Water and Sewer Services Provided in	)	<b>SR-2011-0338</b>
Missouri Service Areas.	)	

**STAFF'S MOTION IN LIMINE**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion in Limine*, states as follows:

***AGP's manifest intention to examine Staff Attorney Cherlyn Voss as a hostile witness at the hearing in this case should be barred because the testimony of Ms. Voss, Staff's supervising attorney, is privileged.***

1. These actions were commenced on June 30, 2011, when Missouri American Water Company ("MAWC") filed tariffs, testimony and other minimum filing requirements seeking a general rate increase.

2. Pursuant to order of the Commission issued on August 3, 2011, these cases are set for evidentiary hearing starting on February 21, 2012.

3. Pursuant to order of the Commission issued on July 5, 2011, the Staff is charged with compiling and filing, on behalf of all the parties, a List of Issues and a Hearing Schedule, to-wit:

The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

***Order Directing Notice, Setting Intervention Deadline, Setting Hearings, Directing Filings and Setting Procedural Schedule***, issued July 5, 2011, p. 6.

4. In the course of performing this duty on February 9, 2012, the undersigned was instructed by counsel for AG Processing, a cooperative (“AGP”), to add Ms. Cherlyn Voss as a witness for Cost of Service and Rate Design Issues.

5. Staff objects to AGP’s endorsement of Cherlyn Voss as a witness in this matter. Ms. Voss is Staff’s supervising attorney on this case and not a witness. She has filed no prepared testimony herein. Allowing Ms. Voss to be examined under oath as a hostile witness by counsel for AGP herein is no more appropriate than would be the examination of any other of Staff’s attorneys or any other party’s attorneys. The examination of Ms. Voss is absolutely barred by the attorney-client and work-product privileges and AGP’s intent to call her as a witness, manifested by its endorsement of her on the Hearing Schedule, should be barred.

***Expedited Treatment***

6. Staff further requests that the Commission take up and determine this motion on an expedited basis in order to provide a ruling for the guidance of the parties prior to February 21, 2012. Additionally, given the limited hearing time available and the numerous issues and witnesses scheduled to be heard, Staff suggests that disposition of this issue before the hearing starts will be beneficial to all.

**WHEREFORE**, Staff prays that the Commission will take up its *Motion in Limine* on an expedited basis and will quash AGP’s manifest intent to call Ms. Cherlyn Voss as a hostile witness at the evidentiary hearing herein by issuing its order prohibiting it; and grant such other and further relief as may be just in the premises.

Respectfully submitted,

s/ Kevin A. Thompson  
**KEVIN A. THOMPSON**  
Missouri Bar Number 36288  
Chief Staff Counsel

**RACHEL M. LEWIS**  
Missouri Bar Number 56073  
Deputy Chief Staff Counsel

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
573-751-6514 (Voice)  
573-526-6969 (Fax)  
kevin.thompson@psc.mo.gov

Attorneys for the Staff of the Missouri Public  
Service Commission.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **9<sup>th</sup> day of February, 2012**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

**s/ Kevin A. Thompson**