

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office in  
Jefferson City on the 11th day of  
June, 2002.

In the Matter of the Application of Environmental Utilities, )  
LLC, for Permission, Approval, and a Certificate of )  
Convenience and Necessity Authorizing It to Construct, )  
Install, Own, Operate, Control, Manage and Maintain ) **Case No. WA-2002-65**  
a Water System for the Public Located in Unincorporated )  
Portions of Camden County, Missouri (Golden Glade )  
Subdivision) )

**ORDER SUSTAINING OBJECTIONS TO THE ADMISSION OF  
POST-HEARING EXHIBIT NO. 29**

On May 15, 2002, Environmental Utilities submitted a post-hearing exhibit purporting to show an itemization of the attorney fees incurred by Environmental Utilities in this proceeding. On May 16, the Commission issued a notice assigning the submission Exhibit No. 29 and notifying the parties that if they objected to the admission of Exhibit No. 29 they should file a written objection no later than May 28, 2002. The Office of the Public Counsel filed an objection on May 22. The Staff of the Commission filed its objection on May 28, and Hancock Construction Company objected on May 29. Environmental Utilities filed its response on June 10.

The parties' objections are that the exhibit is irrelevant, that its admission would deny the parties the opportunity to cross-exam its author, or in any other way respond to

the exhibit, and that the exhibit was not offered in compliance with established Commission procedures.

The Commission agrees with all three objections. First, the costs that Environmental Utilities incurred in obtaining its certificate of convenience and necessity, including the attorney fees that it paid, may be relevant in a future case established to consider the rates that Environmental Utilities may charge its customers. However, this is not a rate case and those costs are not relevant to the determination that the Commission must make regarding Environmental Utilities' application for a certificate of convenience and necessity. Second, the submission of this exhibit at the same time as the reply briefs denies all the other parties any opportunity to respond to the contents of the exhibit. Third, 4 CSR 240-2.110(8) establishes the procedure by which the Commission may reopen a case for the taking of additional evidence. Environmental Utilities has not complied with any part of that rule.

The Commission will sustain the objections offered by Public Counsel, Staff, and Hancock. Exhibit No. 29 will not be admitted into evidence.

**IT IS THEREFORE ORDERED:**

1. That Post Hearing Exhibit No. 29 offered by Environmental Utilities, LLC, is not admitted into evidence.

2. That this order shall become effective on June 21, 2002.

**BY THE COMMISSION**

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Simmons, Ch., Murray, Lumpe and Forbis, CC., concur  
Gaw, C., not participating

Woodruff, Senior Regulatory Law Judge