

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

The Office of Public Counsel,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2016-0252</u>
)	
Moore Bend Water Utility, LLC,)	
)	
Respondent.)	

STAFF’S STATEMENT OF POSITION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) pursuant to the modified procedural schedule previously established for this case and submits the following *Statements of Position* on the issues set forth in the *List of Issues*, *Order of Witnesses*, *Order of Cross-Examination* filed herein on December 5, 2016.

To the extent the issues ask for a determination of compliance with Department of Natural Resources’ regulations or statutes, Staff will defer to the opinion and conclusions of the Department of Natural Resources, which is an active party with witnesses to this case. Staff will address questions of fact on those issues, to the extent of its knowledge.

Issue 1: Does the evidence establish that Moore Bend Water Utility, LLC (“Moore Bend”) employs a certified water supply operator in accordance with Missouri Department of Natural Resources (“DNR”) and Missouri Public Service Commission (“Commission”) regulations as well as requirements articulated by DNR for this system?

Staff Position: There is no specific Commission statute or regulation requiring a certified water supply operator.

Moore Bend recently employed a certified water supply operator that has the drinking water operator certification level needed for the Moore Bend drinking water system as required by DNR. Prior to the recent hiring, to Staff's knowledge, Moore Bend had an operator who did not have the required level of certification.

Issue 2: Does the evidence demonstrate Moore Bend complies with water testing and reporting requirements in accordance with DNR and Commission regulations?

Staff Position: There are no specific reporting requirements within the Commission statutes or regulations.

Issue 3: If the evidence demonstrates Issues 1-2, is Moore Bend providing safe and adequate water to its customers?

Staff Position: The Staff is not aware of any information regarding drinking water quality that suggests that the water is not safe or adequate.

Issue 4: If the Commission finds that Moore Bend is not compliant with the DNR and Commission regulations should the Commission direct its general counsel to seek monetary penalties against the Company?

Staff Position: The Staff takes no position on this issue. The Commission has discretion, upon finding a violation or violations of its statutes, rules, or orders, to seek civil penalties. Section 386.570 RSMo.

WHEREFORE, Staff requests that the Commission will accept this filing as Staff's *Statement of Position*.

Respectfully submitted,

/s/ Jacob T. Westen

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was either hand delivered or served electronically on this 19th day of January, 2017, to the parties of record.

/s/ Jacob T. Westen