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March 24, 2003

FILED⁴

MAR 24 2003

Secretary
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Missouri Public
Service Commission

RE: Case No. WT-2003-0324

Dear Sir:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of the Response to Protest, Request for Suspension filed on behalf of Missouri-American Water Company. Please stamp the enclosed extra copy of each "filed" and return same to me.

If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/tli

Enclosures

cc: General Counsel's Office
Ruth O'Neill
Stuart W. Conrad
Gary Chesnut

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MAR 24 2003

Missouri Public
Service Commission

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

In Re the Filing by Missouri-American Water)	
Company of Proposed Tariff Changes in)	Case No. WT-2003-0324
Anticipation of a New Call Center.)	Tariff Nos. JW-2003-1635, JW- 2003-1669, JW-2003-1674

RESPONSE TO PROTEST, REQUEST FOR SUSPENSION

Comes now Missouri-American Water Company ("MAWC"), and, in response to the Protest, Request for Suspension and Application to Intervene of AG Processing Inc., states to the Missouri Public Service Commission ("Commission") as follows:

SUMMARY

MAWC does not believe that AGP's objections are sufficient to suspend the proposed tariff sheets. However, MAWC has extended the effective date of the proposed tariff sheets until April 11, 2003, and intends to file substitute sheets which describe the due date and delinquent date that will apply to each bill issued by the Company.

RESPONSE

1. On February 28, 2003, MAWC filed thirty-seven (37) tariff sheets with certain proposed changes in anticipation of the movement of the remainder of the MAWC customers to the new call center. The tariff sheets carried an issue date of February 28, 2003, and an effective date of March 30, 2003. In order to make billings terms consistent for the Missouri properties, the following changes were proposed:

- a) All bills were to be "net" and "due and payable within ten (10) day as after date of bill;"

- b) Provision was made for electronic fund transfers (EFT); and,
- c) Flexibility in billing for private fire service charges was provided.

No changes in rates were proposed.

2. After the filing of these tariff sheets, MAWC representatives received input from Staff members as to proposed adjustments to the language proposed by MAWC.

3. On March 17, 2003, AG Processing, Inc. ("AGP") filed its Protest, Request for Suspension and Application to Intervene (the "Motion"). On March 18, 2003, the Commission issued its Order Establishing Time for Response, wherein it ordered that any response to AGP's Motion be filed on or before March 24, 2003.

4. On March 19, 2003, MAWC filed a letter, in accordance with Commission Rule 4 CSR 240-2.065(5), extending the effective date of the subject tariff sheets until April 11, 2003.

5. AGP's pleading focuses on the changes related to the "due date" of MAWC's bills. AGP seems to interpret this identification of a "due date" to possibly be synonymous with the "delinquent date." Such a result is not intended by the proposed change.

6. It is common for utility bills to contain two dates -- a "due date" and a later "delinquent date." It is only this latter delinquent date which triggers a penalty for the customer. *See* Commission Rule 4 CSR 240-13.015(1)(G) ("Delinquent date means the date stated on a bill . . . after which the utility may assess an approved late payment charge in accordance with a utility tariff on file with the Commission."). The delinquent date for residential customers must be "at least twenty-one (21) days for a monthly billed customer, and at least sixteen (16) days for a quarterly billed customer from the rendition of the bill . . ." (*Id.*).

7. MAWC's tariffs have always provided for a delinquent charge that is consistent with

the above rule. However, some utilities, to include the former St. Louis County Water Company, have also included a "due date" which is specified on the bill. In fact, the current tariffs for MAWC's St. Louis service area carry the same provision as was proposed for the tariff sheets that are the subject of this proceeding -- "Bills are net, and are due and payable within ten (10) days after date of bill" (See Appendix A). The bills of other Missouri utilities also contain a due date and a delinquent date.

8. It is important for the changes to be made to the tariffs because of the opening of MAWC's new call center. This call center will combine the billing operations for all of MAWC's service territories in the State of Missouri. However, it will be impossible for the software to address different due and delinquent dates for each of these territories. Consequently, within the parameters established by Commission rules, MAWC seeks to bring consistency to the billing terms.

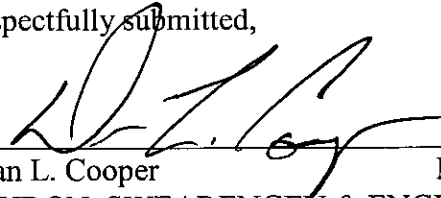
9. Based upon comments provided by the Commission Staff, MAWC is in the process of rewriting the due date section of its proposed tariff sheets to better describe the due date and delinquents dates that will apply to the Company's bills. MAWC will strive to file these substitute sheets with the Commission by March 28, 2003. MAWC requests that the Commission withhold its decision as to the Motion until after the Commission and participating entities have had the opportunity to review the revised language.

WHEREFORE, MAWC respectfully requests that the Commission issue its order:

- a) denying the Protest, Request for Suspension and Application to Intervene of AG Processing Inc.; and,

- b) granting such further relief as is consistent with the relief requested herein.

Respectfully submitted,



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ATTORNEYS FOR MISSOURI-AMERICAN
WATER COMPANY

CERTIFICATE OF SERVICE

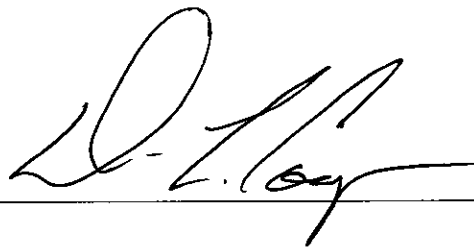
The undersigned certifies that a true and correct copy of the foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on March 24th, 2003 to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, Mo 65101

Ruth O'Neill
Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101

Stuart W. Conrad
Finnegan, Conrad & Peterson
3100 Broadway, Suite 1209
Kansas City, MO 64111

Gary Chesnut
Corporate Purchasing Manager
Ag Processing Inc. A Cooperative
12700 West Dodge Road
Omaha, NE 68154



FORM 13
Cancelling

P.S.C.MO.No. 6
P.S.C.MO.No. 6

Eleventh Revised
Tenth Revised

SHEET No. RT 1.0
SHEET No. RT 1.0

ST. LOUIS COUNTY WATER COMPANY

FOR

ST. LOUIS COUNTY, MISSOURI AND JEFFERSON COUNTY, MISSOURI

RECEIVED

DEC 09 1997

RATE A

METER RATE - RESIDENTIAL AND COMMERCIAL

MISSOURI
Public Service Commission

AVAILABILITY - This rate is available to all residential ("domestic") and commercial customers in cities, towns, and unincorporated territory served by the Company. This rate is required where premises have water closets, hose connections, or sewer connections.

A "residential" ("domestic") customer, under this residential rate classification, is a customer who purchases water for "Domestic use", under this residential rate classification, includes that portion of water which is ultimately delivered to a single or multiple family dwelling, and shall apply to all such purchases regardless of whether the customer is the ultimate consumer.

This tariff is intended to satisfy the provisions of section 144.030 (23), RSMo, by establishing and maintaining a system and rate classification of "residential" to cause the residential sales and purchases of water under this tariff to be considered as sales made for domestic use and thus exempt from sales tax.

CONTRACT TERM AND BILLING - Standard contracts are on a yearly basis, with monthly or quarterly billing for service, except as provided by Rule 4.0.

RATE COMPONENTS:

MINIMUM CUSTOMER CHARGE (2) - The minimum charge for water service available through the facilities of the Company for the billing period and for the meter size furnished the customer is:

Meter Size	(AM) Monthly Billing (200 Cu. Feet Water Allowed)	(AQ) Quarterly Billing (600 Cu. Feet Water Allowed)	Prorated Service Charge (3)	
5/8"	\$8.75 (1)	\$17.26 (1)	\$6.54	*
3/4"	\$9.43 (1)	\$19.32 (1)	\$7.56	*
1"	\$10.80 (1)	\$23.42 (1)	\$9.61	*
1-1/2"	\$14.22	\$33.67	\$14.74	*
2"	\$18.32	\$45.97	\$20.89	*
3"	\$29.25	\$78.78	\$37.30	*
4"	\$41.55	\$115.69	\$55.75	*
6"	\$75.73	\$218.21	\$107.01	*
8"	\$116.74	\$341.24	\$168.52	*
10"	\$171.42	\$505.27	\$250.54	*
12"	\$226.09	\$669.31	\$332.56	*

COMMODITY CHARGE (2) - In addition to the Minimum Customer Charge, for all water used as registered by the meter above the water allowance the Commodity Charge is \$1.4459 per 100 cubic feet. *

PAYMENT TERMS - Bills are net, and are due and payable within ten (10) days after date of bill.

* Indicates new rate or text

+ Indicates change

DATE OF ISSUE December 9, 1997 DATE EFFECTIVE: January 1, 1998

ISSUED BY: B. K. Turner, Sr. V.P., Business Affairs, 535 N. New Ballas Rd., St. Louis, Mo 63141

FILED

JAN 01 1998
97-382

MO. PUBLIC SERVICE COMMISSION

Appendix A