

FILED²

BEFORE THE PUBLIC SERVICE COMMISSION NOV 29 1999
STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of Missouri-American)
Water Company's Tariff Sheets Designed)
to Implement General Rate Increases for) Case No. WR-2000-281
Water and Sewer Service provided to) Case No. SR-2000-282
Customers in the Missouri Service Area)
of the Company.)

MAWC'S OPPOSITION TO
THE ST. JOSEPH BUILDING & CONSTRUCTION TRADES COUNCIL'S
APPLICATION FOR LEAVE TO INTERVENE

COMES NOW Missouri-American Water Company ("MAWC" or "Company") and, in opposition to the Application for Leave to Intervene filed by the St. Joseph Building & Construction Trades Council ("Trades Council"), states as follows to the Missouri Public Service Commission ("Commission"):

1. On or about November 17, 1999, Trades Council filed an Application for Leave to Intervene.

3. As a general proposition, there is no right to intervene in a Commission proceeding. Commission Rule 4 CSR 240-2.075(4) states as follows:

The commission *may* permit intervention on a showing that –
(A) The applicant has an interest in the proceeding which is different from that of the general public;
(B) The applicant is a municipality or other political subdivision;
(C) Granting the proposed intervention would serve the public interest; or
(D) Application to intervene filed after the intervention date set by the commission maybe granted upon a showing of good cause.

(Emphasis added).

4. As support for its request to intervene, the Trades Council indicates that it consists of "building and construction trades unions which, in turn, represent thousands of working men and

women who live and work in St. Joseph, Missouri” (Application, para. 1). Additionally, it alleges that “it has a vested interest in seeing that the constituents of its affiliated organizations are paid a living wage for their work on the construction projects on which they are employed” (Application, para. 2). Neither of these reasons provides a proper basis for intervention in this proceeding.

5. The Trades Council’s concern as to whether the rates which its individual constituents may pay are reasonable and just does not separate it, or make its interest different, from the general public. This is an interest which is represented by the Office of the Public Counsel and is not unique to the Trades Council or its constituents.

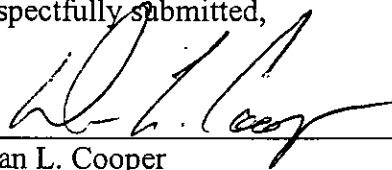
6. The Trades Council’s second concern, that MAWC’s construction costs are too low because of its use of nonunion contractors, is misplaced in this proceeding. Disputes over labor issues are more appropriately raised elsewhere. The Commission does not have the jurisdiction to address these issues and they are irrelevant to a ratemaking proceeding.

7. The Trades Council has stated an interest in this proceeding which is, in the first instance, no different from that of the general public and, in the second instance, irrelevant to a ratemaking proceeding. The Trades Council’s Application for Leave to Intervene should be denied.

WHEREFORE, MAWC respectfully requests the Commission to issue its order denying the Application for Leave to Intervene filed by the St. Joseph Building & Construction Trades Council,

and granting such further relief as is reasonable in the circumstances.

Respectfully submitted,



Dean L. Cooper MBE#36592
William R. England, III MBE#23975
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
573/635-7166 (phone)
573/635-0427 (facsimile)

ATTORNEYS FOR MISSOURI-AMERICAN
WATER COMPANY

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 27th day of November, 1999, to the following:

Mr. Keith Krueger
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Ms. Shannon Cook
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Mr. Joseph W. Moreland
Blake & Uhlig, P.A.
2500 Holmes Road
Kansas City, Missouri 64108

Mr. Louis J. Leonatti
Leonatti & Baker, P.C.
P.O. Box 758
Mexico, Missouri 65265

Mr. Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201

Stuart W. Conrad
Finnegan, Conrad & Peterson, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111

Mr. James M. Fischer
Attorney at Law
101 West McCarty, Suite 215
Jefferson City, Missouri 65101

Mr. Chuck D. Brown
303 East Third Street
P.O. Box 1355
Joplin, Missouri 64802-1355

Mr. Leland B. Curtis
Curtis, Oetting, et al.
130 S. Bemiston, Suite 200
Clayton, Missouri 63105

