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\*ALSO ADMITTED IN  
KANSAS AND MASSACHUSETTS

February 11, 2000

VIA FEDERAL EXPRESS

Mr. Dale H. Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
301 West High R530  
Jefferson City, Missouri 65102

**FILED**

FEB 10 2000

Missouri Public  
Service Commission

Re: **Missouri-American Water Company**  
**PSC Case No. WR-2000-281**

Dear Mr. Roberts:

Enclosed are the original and fourteen (14) conformed copies of an Application for Rehearing that was previously filed with your office by facsimile, which materials please file in the above matter and call to the attention of the Commission.

An additional copy of the INITIAL PAGE of the material to be filed is enclosed, which kindly mark as received and return to me in the enclosed envelope as proof of filing.

Thank you for your attention to this important matter. If you have any questions, please call.

Sincerely yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By: 

Stuart W. Conrad

SWC:s  
Enclosures  
cc: All Parties

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FILED

STATE OF MISSOURI  
MISSOURI PUBLIC SERVICE COMMISSION

FEB 10 2000

Missouri Public  
Service Commission

In the Matter of Missouri-American )  
Water Company's Tariff Sheets De- )  
signed to Implement General Rate )  
Increases for Water and Sewer Ser- )  
vice provided to Customers in the )  
Missouri Service Area of the Compa- )  
ny )

WR-2000-281  
SR-2000-282  
(Consolidated)

APPLICATION FOR REHEARING OF  
AG PROCESSING INC, A COOPERATIVE,  
FRISKIES PETCARE, A DIVISION OF NESTLE USA AND  
WIRE ROPE CORPORATION OF AMERICA INC.

COME NOW AG PROCESSING INC, A COOPERATIVE ("AGP"),  
FRISKIES PETCARE, A DIVISION OF NESTLE USA ("Friskies") and WIRE  
ROPE CORPORATION OF AMERICA INC. ("Wire Rope") and pursuant to  
Section 386.500 RSMo. 1994 applies for rehearing of the  
Commission's February 1, 2000 Order Concerning Test Year, True  
Up, Accounting Authority Order, and Local Public Hearings (here-  
inafter referred to as "Order") concerning Missouri-American  
Water Company (hereinafter "MAWC") on the grounds that such Order  
is unconstitutional, unlawful, unjust, unreasonable, arbitrary  
and capricious for the reasons set forth herein:

1. By permitting and authorizing a "true-up" of seven  
(7) months past the close of the test year established in this  
case, the Commission establishes a circumstance in which two rate  
cases are prosecuted as one with differing periods and in which  
context all relevant factors cannot be considered. In so doing  
the Commission acts unlawfully, arbitrarily and has issued an

order that is not supported by competent and substantial evidence on the whole record.

2. By permitting and authorizing a "true-up" of seven (7) months past the close of the test year established in this case, the Commission establishes a circumstance in which two rate cases are prosecuted as one with differing periods with one period established exclusively for the consideration of the single issue of the amount of public utility plant that is placed in rate base and in which context all relevant factors cannot and will not be considered in violation of governing law. In so doing the Commission acts unlawfully, arbitrarily and has issued an order that is not supported by competent and substantial evidence on the whole record.

3. By permitting and appearing to authorize a "true-up" of seven (7) months past the close of the test year established in this case, the Commission establishes a circumstance in which two rate cases are prosecuted as one with differing periods and in so doing creates a circumstances in which the due process rights of these intervenors are denied. In so doing the Commission acts unlawfully, arbitrarily and has issued an order that is neither lawful nor supported by competent and substantial evidence on the whole record.

4. By failing to recognize that the utility in this case filed its rate case prematurely and attempting to resolve the problem thereby created by accommodating the sole interest of the utility, the Commission acted in a discriminatory manner

against the interests of these ratepayers, wholly failed to properly balance their interests, acted without a record and unlawfully, and issued an order that is neither lawful nor supported by competent and substantial evidence on the whole record.

5. In establishing a true-up period for the single issue of the inclusion of the St. Joseph processing plant addition which is the most significant revenue issue in this rate case and attempting to address that issue in an abbreviated fashion without full opportunity for development of and consideration a record to demonstrate the prudence and necessity for such plant, the Commission acts to establish a circumstance in which due process is and will be denied to these intervenors, equal protection of the law is and will be denied to these intervenors, and in so doing acts unlawfully, arbitrarily and discriminatorily in detriment and prejudice to the procedural and substantive rights of these intervenors and further such order is unlawful and unsupported by competent and substantial evidence on the whole record.

6. By failing to defer consideration of the issue until evidence was received on which a decision regarding any possible need for a true-up and a hearing thereon could be determined, the Commission has acted arbitrarily and capriciously, in the complete absence of any record to support its decision and thus obviously without competent and substantial evidence on the whole record, has acted to prejudice and predetermine proper

consideration of the issue and has thereby denied due process to these intervenors and in so doing so has issued an order that is unlawful and is unsupported by competent and substantial evidence as required by law.

7. As additional grounds for this rehearing, these Intervenor's incorporate by reference as though fully set out herein the following:

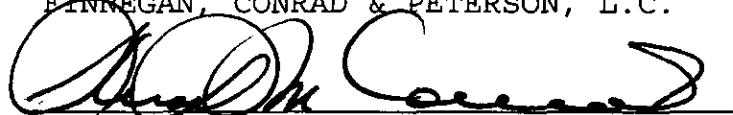
a. The Suggestions in Opposition to Missouri-American's 1. Recommendation Concerning Proper Test Year; 2. Motion for True-up Audit and Hearing; and 3. Motion for Accounting Authority Order filed herein on or about November 29, 1999 (dated November 24, 1999), and

b. the Office of the Public Counsel's Recommendation Concerning True-Up Audit and Hearing, filed on or about December 7, 1999.

WHEREFORE for the foregoing reasons, these Intervenor  
seek and request rehearing of the Order aforesaid and that upon  
such rehearing such Order be withdrawn and a true-up and a  
hearing thereon be denied.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

A handwritten signature in dark ink, appearing to read "Stuart W. Conrad", is written over a horizontal line.

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FRISKIES PETCARE, A DIVISION OF  
NESTLE USA and WIRE ROPE CORPORA-  
TION OF AMERICA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application to Intervene by U.S. mail, postage prepaid addressed to the following persons:

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Dated: February 11, 2000

  
Stuart W. Conrad