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April 3, 2002

FILED<sup>3</sup>

APR 03 2002

Missouri Public  
Service Commission

**HAND DELIVERY**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Re: **Office of the Public Counsel v Warren County Water and  
Sewer Company, Case No. WC-2002-155**


Dear Secretary Roberts:

Enclosed for substitution in the **original and eight (8) copies of Rebuttal  
Testimony of Gary L. Smith** which was filed in your office on March 28, 2002, is the  
original of Mr. Smith's Affidavit. We had included in the original filing a facsimile of  
that his affidavit.

Thank you for your attention to this matter. If you have any questions, please  
contact me.

Very truly yours,

LATHROP & GAGE L.C.

By:   
Paul S. DeFord

Enclosures

cc: Ruth O'Neill  
Office of Public Counsel  
Office of General Counsel

11995.1

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APR 03 2002

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

Office of the Public Counsel,  
Complainant,

v.

Case No. SC-2002-155, et al.

Warren County Water and Sewer  
Company and Gary L. Smith,  
Respondents.

AFFIDAVIT OF GARY L. SMITH

STATE OF MISSOURI )

) SS

COUNTY OF WARREN )

I, Gary L. Smith, of lawful age and being first duly sworn, deposes and states:

1. My name is Gary L. Smith. I am the sole shareholder of Warren County Water and Sewer Company.

2. Attached, hereto and made a part hereof for all purposes, is my rebuttal testimony consisting of pages 1 through 28.

3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.

Subscribed and sworn to me this 28 day of March, 2002.

Notary Public

My Commission Expires:

JOYCE M. PRESSER  
Notary Public - Notary Seal  
STATE OF MISSOURI  
County of Lincoln  
My Commission Expires: 12-15-2005