

Exhibit No.:  
Issue: Territorial Assessment  
Witness: James A. Busch  
Sponsoring Party: MO PSC Staff  
Type of Exhibit: Rebuttal Testimony  
Case No.: WC-2014-00018  
Date Testimony Prepared: May 16, 2014

**MISSOURI PUBLIC SERVICE COMMISSION**

**REGULATORY REVIEW DIVISION**

**REBUTTAL TESTIMONY**

**OF**

**JAMES A. BUSCH**

**STAFF of THE MISSOURI PUBLIC SERVICE COMMISSION**

**vs.**

**CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT C-1 of  
JEFFERSON COUNTY and CITY OF PEVELY**

**CASE NO. WC-2014-0018**

*Jefferson City, Missouri  
May 2014*

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

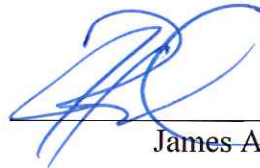
The Staff of the Missouri Public Service )  
Commission, Complainant v. )  
Consolidated Public Water Supply District )  
C-1 of Jefferson County, Missouri and )  
City of Pevely, Missouri, Respondents )

File No. WC-2014-0018

**AFFIDAVIT OF JAMES A. BUSCH**

STATE OF MISSOURI )  
 ) ss  
COUNTY OF COLE )

James A. Busch, of lawful age, on his oath states: that he has participated in the preparation of the following Rebuttal Testimony in question and answer form, consisting of 2 pages of Rebuttal Testimony to be presented in the above case, that the answers in the following Rebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.



James A. Busch

Subscribed and sworn to before me this 16<sup>th</sup> day of May, 2014.



Notary Public

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**OF**

**JAMES A. BUSCH**

**STAFF of THE MISSOURI PUBLIC SERVICE COMMISSION**

**VS.**

**CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT C-1 of JEFFERSON**

**COUNTY and CITY OF PEVELY**

**CASE NO. WC-2014-0018**

Q. Please state your name and business address.

A. My name is James A. Busch and my business address is P. O. Box 360,  
Jefferson City, Missouri 65102.

Q. Are you the same James A. Busch that filed direct testimony in this proceeding?

A. Yes.

Q. What is the purpose of your rebuttal testimony?

A. The purpose of my rebuttal testimony is to respond to a comment made in the direct testimony of Terry Thomas, the City Administrator of the City of Pevely.

Q. On page 1, lines 21 – 23 of his direct testimony, Mr. Thomas indicates that the City did not receive any notice from the Commission prior to these proceedings that it intended to enforce the provisions of § 247.172 of the Missouri Revised State Statutes. Do you have a response to that comment?

A. Yes. As noted in my direct testimony, Staff did not become aware of the territorial agreement between the City of Pevely and Consolidated Public Water Supply

1 District C-1 ("District") until mid-June, 2013. Once notified, Staff had discussions with the  
2 both the City and the District informing both parties of the requirements of § 247.172 RSMo.  
3 During those conversations, it was made clear that Staff was of the opinion that the territorial  
4 agreement needed to be submitted to the Commission for approval.

5 Q. Has Staff informed other cities and/or districts of the requirements of  
6 § 247.172, RSMo?

7 A. No. When Staff becomes aware of a situation such as the one that is the subject  
8 of this case, Staff informs the entities of the requirements and what is expected of them. Staff  
9 assumes that these entities have access to legal counsel whose responsibility it is to review all  
10 applicable state laws and regulations and to provide appropriate guidance concerning  
11 compliance. Even if an entity does not have legal counsel, it is required to obey the law.  
12 Over the past six years, Staff has not been made aware of any other territorial agreement  
13 between a city and a district that has not already been approved by the Commission.

14 Q. If the City and District submit the territorial agreement for Commission  
15 approval, would Staff drop its complaint?

16 A. Absolutely. A simple filing by the other parties would resolve the dispute.

17 Q. In that case, would you recommend that the Commission pursue penalties?

18 A. No. Staff's only interest in this case is to enforce the law.

19 Q. Does this conclude your rebuttal testimony?

20 A. Yes.