

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

The Staff of the Missouri	)	
Public Service Commission	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. SC-2010-0150
	)	
Aqua Development Company	)	
d/b/a Aqua Missouri, Inc.,	)	
	)	
Respondent.	)	

**ANSWER TO COMPLAINT**

**COMES NOW** Aqua Missouri, Inc., a Missouri sewer utility subject to the regulation of the Missouri Public Service Commission, by and through counsel, and for its answer to the Complaint of the Staff of the Missouri Public Service Commission filed on November 20, 2009, in this case, states as follows:

1. Aqua Missouri, Inc. admits that Section 386.390 includes the language quoted in Paragraph 1 and further asserts that the full statute speaks for itself.
2. Aqua Missouri, Inc. admits that Section 386.570 includes the language quoted in Paragraph 2 and further asserts that the full statute speaks for itself.
3. Aqua Missouri, Inc. admits that Section 386.600 includes the language quoted in Paragraph 3 and further asserts that the full statute speaks for itself.
4. Aqua Missouri, Inc. admits Paragraph 4 of the Complaint.
5. Aqua Missouri, Inc. admits Paragraph 5 of the Complaint.
6. Aqua Missouri, Inc. admits Paragraph 6 of the Complaint.

7. Aqua Missouri, Inc. admits the existence of Case No. SR-2008-0268, asserts that the 2008 Unanimous Agreement speaks for itself, and denies each and every other allegation contained in Paragraph 7.

8. Aqua Missouri admits the existence of Case No. SR-2010-0023, and is without sufficient information to admit or deny each and every other allegation contained in paragraph 8 and therefore denies the same.

9. Aqua Missouri, Inc. denies each and every allegation set forth in paragraph 9.

#### **Count I - Plant Retirements**

10. Aqua Missouri, Inc. incorporates its answers to Paragraphs 1 through 9 as if more fully restated herein.

11. Aqua Missouri, Inc. admits that the 2008 Order includes the language quoted in Paragraph 11 and further asserts that the full Order speaks for itself.

12. Aqua Missouri, Inc. denies each and every allegation set forth in Paragraph 12.

#### **Count II - Capital Construction Procedures**

13. Aqua Missouri, Inc. incorporates its answers to Paragraphs 1 through 12 as if more fully restated herein.

14. Aqua Missouri, Inc. admits that the 2008 Order includes the language quoted in Paragraph 14 and further asserts that the full Order speaks for itself.

15. Aqua Missouri, Inc. denies each and every allegation set forth in Paragraph 15.

#### **Count III - Call Recording and Retention**

16. Aqua Missouri, Inc. incorporates its answers to Paragraphs 1 through 15 as if more fully restated herein.

17. Aqua Missouri, Inc. admits that the 2008 Order includes the language quoted in Paragraph 17 and further asserts that the full Order speaks for itself.

18. Aqua Missouri, Inc. denies each and every allegation set forth in Paragraph 18.

**Count IV - Billing Periods**

19. Aqua Missouri, Inc. incorporates its answers to Paragraphs 1 through 18 as if more fully restated herein.

20. Aqua Missouri, Inc. admits that the 2008 Order includes the language quoted in Paragraph 20 and further asserts that the full Order speaks for itself.

21. Aqua Missouri, Inc. admits that the EMSD Report includes the language quoted in Paragraph 21 and further asserts that the full Report speaks for itself.

22. Aqua Missouri, Inc. denies each and every allegation set forth in Paragraph 22.

23. Aqua Missouri, Inc. admits that Commission Rules 4 CSR 240-13.020(1) and 4 CSR 240-13.010 include the language quoted in Paragraph 23, further asserts that the full rules speak for themselves, and denies each and every other allegation contained in Paragraph 23.

24. Aqua Missouri, Inc. denies each and every allegation set forth in Paragraph 24.

**AFFIRMATIVE DEFENSES**

A. Complainants' Complaint against Respondent fails to state a claim upon which relief may be granted.

B. Respondent has substantially complied with 2008 Order.

C. Complainant has failed to comply with the requirements of 4 CSR 240-2.070.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

By:   
Marc H. Ellinger, #40828  
Stephanie S. Bell, #61855  
308 East High Street, Suite 301  
Jefferson City, MO 65101  
Telephone No.: (573) 634-2500  
Facsimile No.: (573) 634-3358  
E-mail: [mellinger@blitzbardgett.com](mailto:mellinger@blitzbardgett.com)  
E-mail: [sbell@blitzbardgett.com](mailto:sbell@blitzbardgett.com)

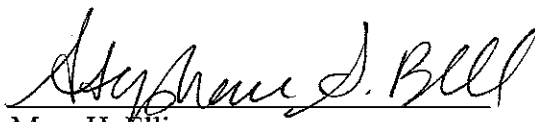
Kimberly A. Joyce  
PA ID No. 86605  
Aqua America, Inc.  
Telephone No.: (610) 645-1077  
Facsimile No.: (573) 634-3358  
E-mail: [KAJoyce@aquaamerica.com](mailto:KAJoyce@aquaamerica.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Answer to Complaint was sent via electronic mail, this 23rd day of December, 2009, to:

Lewis Mills  
Office of Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102-2230  
E-mail: [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Eric Dearmont, Assistant General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360  
E-mail: [eric.dearmont@psc.mo.gov](mailto:eric.dearmont@psc.mo.gov)

  
Marc H. Ellinger