

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

Jim Moriarty,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2025-0204</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**MISSOURI-AMERICAN WATER COMPANY’S RESPONSE
TO ORDER FOR CLARIFICATION**

COMES NOW Respondent Missouri-American Water Company (“MAWC” or “Company”), by and through the undersigned counsel, and for its *Response to Order for Clarification*, respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

1. On June 6, 2025¹, Commission Staff and the Company filed a Joint Proposed Procedural Schedule that contemplated the availability of those necessary for the hearing, including attorneys and witnesses within the range of the Commission’s original time of August 25, 2025 through September 26, 2025.
2. On June 16, the Commission issued an Order Setting a Procedural Schedule with all testimony due August 14 and an evidentiary hearing set for August 28.
3. On June 17, the Company filed a *Motion to Revise Procedural Schedule* offering several alternatives it had coordinated with the other parties to this case, noting that an MAWC attorney was unavailable due to a previously scheduled commitment.

¹ All dates 2025.

4. On June 23, the Commission issued an *Order for Clarification* requesting MAWC to state specifically why their attorneys are not available no later than June 30, 2025.
5. In response to the June 23 *Order*, MAWC informs the Commission that the Company's primary counsel in this case, Rachel Niemeier, has a previously scheduled and non-refundable trip to Hawaii that was planned and booked prior to the existence of this complaint.
6. Ms. Niemeier has been intimately involved in working with the Company's operations and technical teams in response to this complaint, and her attendance at hearing is critical to the Company. The Company will be at a disadvantage if the hearing continues without her ability to meaningfully participate in the hearing, which includes access to witnesses during direct and cross examination, not merely calling into the hearing remotely.
7. The Company understands the desire to not have complaints pending for extended periods of time and has worked with both Staff and Mr. Moriarty to propose several alternative dates. Those dates have not been accepted by the Commission.
8. The Company notes there is no statutory or regulatory timeframe specified to address formal complaints, and therefore a hearing could be held at a later date without prejudice to any party.
9. Therefore, MAWC asks the Commission to establish a later date for the hearing in the fall of 2025.
10. The Company is willing to work with the other parties and Commission to create a new procedural schedule.
11. The Company's current known conflict dates are August 25-September 5, September 8-12, 22-26 and October 1, 6-17 in addition to state and federal holidays in 2025.

Wherefore, the Company requests the Commission accept the Company's response to the *Order for Clarification* and further requests a procedural schedule be set that includes a hearing at a later date.

Respectfully submitted,

Dean L. Cooper Mo. Bar #36592
**BRYDON, SWEARENGEN
& ENGLAND, P.C.**
P. O. Box 456
Jefferson City, Missouri 65102-0456
Telephone: (573) 635-7166
Email: dcooper@brydonlaw.com

/s/Rachel L. Niemeier
Timothy W. Luft, MBE #40506
Rachel Niemeier, MBE #56073
Corporate Counsel
**MISSOURI-AMERICAN WATER
COMPANY**
727 Craig Road
St. Louis, MO 63141
(314) 996-2279 (Tim)
(314) 996-2390 (Rachel)
timothy.luft@amwater.com
rachel.neimeier@amwater.com

ATTORNEYS FOR MISSOURI-AMERICAN WATER COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to all parties of record, this 25th day of June 2025.

Rachel L. Niemeier