

STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of Missouri-American)	
Water Company's Request for Author-)	
ity to Implement a General Rate)	
Increase for Water Service Provided)	WR-2007-0216
in Missouri Service Areas)	

**AG PROCESSING INC A COOPERATIVE'S
STATEMENT REGARDING ADDITIONAL REBUTTAL TESTIMONY**

COMES NOW Ag Processing Inc a Cooperative (AGP) and pursuant to the procedural schedule herein submits its Statement Regarding Additional Rebuttal Testimony as follows:

1. On August 6, 2007, the Commission commenced the evidentiary hearing in this matter. Upon advice that the parties had reached agreement on a revised and abbreviated procedural schedule, the hearing was continued and scheduled to recommence on August 14.

2. During the interim between hearing dates, the majority of the parties filed a Non-Unanimous Stipulation and Agreement ("Agreement") purporting to settle nearly all of the identified issues in this matter. The only party opposing the Agreement was the City of Joplin ("Joplin").

3. Because of the rapidly approaching date for resuming the hearing, the Commission set a deadline of August 13, at 3:00 p.m. for the filing of suggestions in support of, or in opposition to, the Agreement. Again only Joplin opposed.

4. During the hearing, Joplin's only witness, Ms. Leslie Jones, the Joplin Finance Director, was allowed (over objection) to supplement her July 13 prepared direct testimony with live direct testimony. Ms. Jones's live testimony substantially changed the position Joplin advocated in its prefiled direct testimony. Although all parties present were afforded the opportunity to cross-examine Joplin's witness with regard to these new positions, by subsequent order, the Commission afforded the other parties the opportunity to provide additional rebuttal testimony to Joplin's new direct testimony. A deadline was set therefor in the August 15 Order.

5. Additionally, the August 15 Order directed Joplin to file, by August 17,

certain late-filed exhibits. Those exhibits include: any documents, work papers, letters, memoranda, notes, reports, analyses, computer analyses, adding machine calculations, test results, studies or data recordings, transcriptions, and printer, typed, or written materials of any kind, in any format, that relate to demonstrating the revenue effect on the specific revenue requirement for the Joplin District that were generated by Joplin or its witness, Ms. Jones, to serve as a basis for the testimony Joplin submitted to the Commission.^{1/}

^{1/} August 15 Order, p. 2. In the case of late-filed exhibits, it is customary to provide the other parties with a brief opportunity to review that material to determine whether any additional process pertinent thereto is desired. Although the parties were directed to file their statements of intention by 5 p.m. on August 17, no corresponding provision for a time deadline appears to have been directed to Joplin. Therefore the parties must (to be timely) indicate their intention regarding rebuttal testimony potentially ahead of any filing by Joplin of compliant material or a late-filed exhibit, which AGP is here
(continued...)

6. Further, the Commission directed Joplin to file a revised list of issues specifically identifying those issues that it still disputes with the other parties.^{2/}

7. Based solely with regard to Ms. Jones' live testimony, and no more, AGP can state that it **has no intention** to submit additional rebuttal testimony. However, AGP cannot make a knowing and intelligent waiver of these rights until it has seen the additional material the Commission has directed Joplin to provide that served "as a basis for the testimony Joplin submitted to the Commission."^{3/} Given that such materials were the subject of AGP data Request (AGP Exhibit 4) which Joplin answered on July 30 but which answer included an undertaking to supplement if additional "documents" were "generated," this is equally a concern to AGP.

8. AGP certainly intends no disrespect to the Commission or to its Regulatory Law Judge, but to be effective to foreclose rights, a waiver must be "knowing and informed." Given

^{1/} (...continued)
attempting to do so to the extent that it has information on which to base such response.

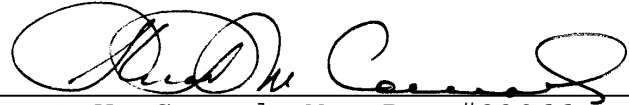
^{2/} August 15, Order, p. 3. Although this provision of the Order did not appear to be limited to 5 p.m. on August 17, only moments ago Joplin filed such a statement which is currently in review.

^{3/} August 15, Order, p. 2. Ms. Jones' live testimony was certainly confusing his this regard, alternatively testifying that she had not "saved" these items, had "played" with the figures on her computer but had not made a printout, and had performed certain calculations on an "adding machine." Moreover, several times Ms. Jones indicated that he had evaluated the "impact on Joplin" of the various proposals for allocation and was concerned that the allocations be correct.

that this information, that certainly might need to be rebutted or otherwise addressed, is not presently available to AGP, a knowing and informed waiver cannot ethically be provided by counsel. AGP restates its present intention NOT to provide any additional rebuttal, and further states that it is sensitive to the impact upon the Commission and its time, including any possible need for additional cross-examination, in altering that intention, but such intention must necessarily be subject to review of any compliant materials that Joplin provides later this day which material AGP commits to promptly review upon being so provided.

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.

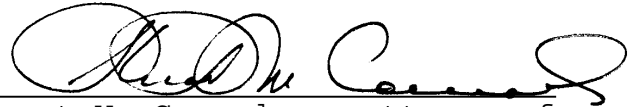
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ATTORNEYS FOR AG PROCESSING INC A
COOPERATIVE

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing pleading on the designated attorneys or representatives of each party in accord with Commission Orders and the service list maintained in this proceeding by the Secretary of the Commission on EFIS.

Dated: August 17, 2007

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

Stuart W. Conrad, an attorney for
Ag Processing Inc a Cooperative.