

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

In the Matter of Missouri-American	)	
Water Company's Request for Authority	)	
to Implement a General Rate Increase	)	Case No. WR-2008-0311
for Water and Sewer Service Provided	)	
in Missouri Service Areas	)	

**INTERVENORS CITY OF RIVERSIDE AND MISSOURI GAMING  
COMPANY'S MOTION FOR LEAVE TO FILE REBUTTAL  
TESTIMONY OF MICHAEL DUFFY**

COME NOW intervenors City of Riverside and Missouri Gaming Company, and move the Commission pursuant to 4 CSR 240-2.015 and 4 CSR 240-2.130, for leave to file the Rebuttal Testimony of Michael Duffy out of time. In support of this Motion, intervenors state:

1. The Commission's Order Adopting Procedural Schedule of June 30, 2008 directed prefiling of testimony. The Commission's deadlines for filing such testimony have passed.
2. Intervenors wish to offer additional rebuttal testimony of a fact witness, Michael Duffy (copy attached), who is Director of Community Development for the City of Riverside. They wish to offer this testimony of Mr. Duffy regarding inadequate fire flow in the City of Riverside and significant annual plant investments being made by the City of Riverside.
3. This evidence is intended only to affect the Parkville District and should not affect the tariffs in any other district.
4. Leave to file this additional testimony will prejudice no party to the present proceeding, and all parties will have an opportunity to cross-examine Mr. Duffy at hearing if they so desire. City of Riverside also has no objection if any party wishes to file written surrebuttal in response.

5. By contrast, the citizens of the City of Riverside will suffer significant prejudice if the testimony of this fact witness on their behalf is not permitted.

WHEREFORE, intervenors City of Riverside and Missouri Gaming Company pray the Commission for its Order granting them leave to file the Rebuttal Testimony of Michael Duffy and for such other and further relief as the Commission deems just and proper.

Respectfully submitted,

**ARMSTRONG TEASDALE LLP**

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**ATTORNEYS FOR INTERVENORS  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was sent to each of the following by electronic mail on this 20<sup>th</sup> day of October, 2008:

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