

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

In the Matter of Missouri-American	)	<b><u>Case No. WR-2007-0216</u></b>
Water Company's Request for Authority	)	Tariff File Nos. YW-2007-0407, YW-2007-
to Implement a General Rate Increase	)	0409, YW-2007-0410, YW-2007-0411,
for Water Service Provided in Missouri	)	YW-2007-0412, and YW-2007-0413
Service Areas	)	

**MOTION FOR REHEARING AND/OR RECONSIDERATION OF  
ORDER DENYING MOTION TO CONSOLIDATE**

**COMES NOW** Intervenor City of Joplin, by and through counsel, pursuant to Section 386.500 and 4 CSR 240-2.160, and for its Motion for Rehearing and/or Reconsideration of Order Denying Motion to Consolidate states as follows:

The City of Joplin filed a Motion to Consolidate in the above-captioned matter on March 29, 2007. On May 15, 2007, this Commission issued its Order denying Intervenor City of Joplin's Motion to Consolidate and made such Order effective May 15, 2007. This Motion for Rehearing is filed timely and is properly presented to this Commission for its determination pursuant to 4 CSR 240-2.160 as being filed within ten (10) days of the Order.

Consolidation is appropriate in the current matter in that there are related questions of law or fact in the current matter. This Commission's Order of May 15, 2007 acknowledges that there are facts in common, however, the Commission is incorrect in stating that there is no basis or rationale to have the consolidation, where similar facts exist in the current matter. The opinion of the Western District Court of Appeals was clear that some type of relief is owed to the ratepayers of the City of Joplin if the Commission cannot substantiate its 2000 ruling. *State ex rel. City of Joplin v. Public Service Commission*, 186 S.W.3d 290, 300-301 (Mo. App. W.D. 2005). The most appropriate method by which such relief may be granted and implemented is through the existing rate case. Moreover, since the parties are the same, there can be no prejudice by allowing the

Commission to address this matter at this time.

The Commission's Order of May 15, 2007 notes that the 2000 case Order needs to be modified; however, the Order is incorrect in that there is no connection between the two cases. The cases both involve the same rate structures with the same parties.

Under this Commission's rule, cases may be joined if they entail similar facts and law. The basic facts are the same in each case. The key issue, overlooked in the Commission's May 15, 2007 Order, is that the determination of the 2000 rates will affect the rates set in 2007. If the 2000 rates are not supported by the Commission, then relief to the ratepayers of Joplin must be addressed. The proper vehicle is the current matter, and relief available to the ratepayers of the City of Joplin should therefore be available in this case. From a purely legal perspective, such relief is available. From the perspective of economic, use of scarce Commission resources, proceeding with a single case is the most efficient means by which to address the issues raised in all of these matters. This is the reason that the Commission has its rule allowing consolidation for hearings where there are similar facts and law. There is no justification for denying consolidation.

It is unjust and unreasonable for the Commission to require Joplin to maintain two separate actions, WR-2000-0281 and WR-2007-0216, when the current action is appropriate to address all issues. If the Commission does not allow consolidation and Joplin prevails in the 2000 case, the remedy to ratepayers through the current action will not be available, thus subjecting Joplin to the unreasonable costs to pursue multiple actions. This consolidated action will provide a resolution to all parties on all issues.

Due to common facts and law between the two matters; the similar parties in the two matters; the absolute lack of any prejudice to any party by granting consolidation; and the fact that any

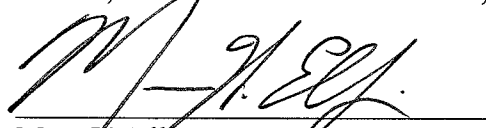
determination by the Commission with regard to the Joplin rates from the 2000 case will unavoidably have application to the current matter, this Commission should grant Intervenor City of Joplin's Motion for Rehearing on its Order of May 15, 2007 denying the Motion to Consolidate and issue a new order approving such consolidation.

**WHEREFORE**, Intervenor City of Joplin prays that this Commission grant its Motion for Rehearing, enter an order granting Intervenor's Motion to Consolidate and ordering case number WR-2000-0281 to be consolidated into the current matter, and for such other relief as this Commission deems appropriate.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Motion for Rehearing and/or Reconsideration of Order Denying Motion to Consolidate were sent to each of the following persons by electronic mail this 16<sup>th</sup> day of May, 2007:

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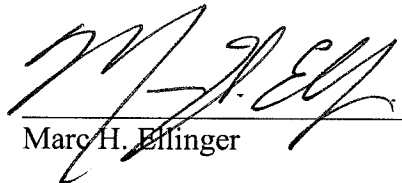
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