

**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 TO CONSOLIDATE**

**COMES NOW** the City of Joplin, by and through counsel, and moves consolidation of the above-captioned matter with Case No. WR-2000-0281 pursuant to the Commission rules and Missouri Supreme Court Rule 66.01, and for its Motion to Consolidate, states as follows:

1. The City of Joplin was an Intervenor in the 2000 rate case filed by Missouri-American Water Company, Case No. WR-2000-0281.
2. This Commission entered an Order in August, 2000, regarding the 2000 Missouri-American Water Company case which the City of Joplin sought judicial review of in the Circuit Court of Cole County.
3. The Circuit Court of Cole County remanded the 2000 case back to this Commission for more detailed findings of fact on October 3, 2002.
4. On May 27, 2004, this Commission found there was no basis to enter any Order on remand from the Circuit Court of Cole County and determined that the Commission had no jurisdiction to enter any relief for the City of Joplin.
5. The City of Joplin sought judicial review of the Report and Order of the Commission on July 16, 2004.
6. On November 19, 2005, the Circuit Court of Cole County affirmed the Report and Order of the Commission.

7. The City of Joplin appealed the Circuit Court's decision to the Western District Court of Appeals on December 29, 2004.

8. On December 6, 2005, the Western District Court of Appeals of the State of Missouri entered its opinion regarding the 2000 Missouri-American Water Company case. A copy of that opinion is attached hereto for the Commission's convenience.

9. The decision of the Western District Court of Appeals is now final and this 2000 Missouri-American Water Company case has been remanded to the Commission for further proceedings.

10. In the interim, Missouri-American Water Company has filed the above-captioned rate case in which the City of Joplin has sought and been granted intervention.

11. Both cases are now before this Commission and involve the same parties, and thus are appropriate for consolidation.

12. Consolidation is authorized by the rules of this Commission and also pursuant to Supreme Court Rule 66.01 since the parties to case WR-2000-0281 are parties to the above-captioned cases and there are common questions of law and/or fact between both cases.

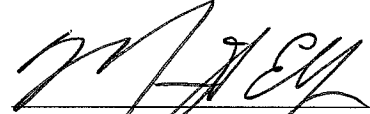
13. Consolidation will serve the best interests of the Commission and the parties in efficient use of the resources and will provide an appropriate vehicle for the Public Service Commission to comply with the mandate of the Western District Court of Appeals and finally address the issues in the 2000 Missouri-American Water Company case.

**WHEREFORE**, Intervenor, City of Joplin, prays that this Commission consolidate the above-captioned Case Number WR-2007-0216 and Case No. WR-2000-0281, and for such other relief as this Commission deems appropriate.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

By:



Marc H. Ellinger, #40828

Jane A. Smith, #28681

308 East High Street

Suite 301

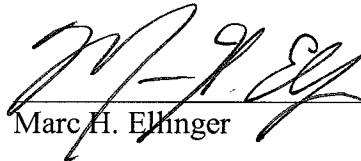
Jefferson City, MO 65101

Telephone No.: (573) 634-2500

Facsimile No.: (573) 634-3358

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing Motion to Consolidate were sent to all counsel by electronic service pursuant to the Order of this Commission on this 29<sup>th</sup> day of March, 2007.



Marc H. Ellinger