

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

In the Matter of the General Rate Increase	)	
for Water and Sewer Service Provided	)	Case No. WR-2007-0216
by Missouri-American Water Company.	)	SR-2007-0217

**MOTION TO STRIKE THE  
REBUTTAL TESTIMONY OF ALAN RATERMANN**

COMES NOW Missouri-American Water Company (MAWC or Company), and, as its Motion to Strike the Rebuttal Testimony of Alan Ratermann, states as follows to the Missouri Public Service Commission (Commission):

1. On July 13, 2007, the Utility Workers Union of America, Local 335 (UWUA Local 335) filed the Rebuttal Testimony of Alan Ratermann. On July 31, 2007, UWUA Local 335 filed its Motion for Leave to Refile Testimony wherein it asked for permission to late-file two exhibits that were not filed with Mr. Ratermann's testimony.

2. Mr. Ratermann states that the purpose of his Rebuttal Testimony is to express his concern with the "health and safety of consumers and employees" of MAWC "and insuring that adequate funds from the requested rate increase are allocated to address these health and safety issues." Specifically, Mr. Ratermann focuses his comments on asbestos-cement pipe removal issues.

3. Commission Rule 4 CSR 240-2.130(7)(B) states that "where all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party's direct testimony."

4. In addition to being of questionable relevance to this rate making proceeding, Mr. Ratermann's Rebuttal Testimony violates Commission Rule 4 CSR 240-2.130(7)(B) in that it

fails to respond to the direct testimony of any party. In fact, the testimony does not even claim to respond to the direct testimony of any person or party. The Rebuttal Testimony represents a unorthodox new proposal for revenue allocation to a future pipe replacement program and attempts to interject this new issue into the proceeding at the rebuttal stage.

5. Not only did Mr. Ratermann fail to raise this issue in direct testimony, Mr. Ratermann failed to raise this issue when he testified before the Commission at a local public hearing in this case on June 13, 2007, in Kirkwood. Tr. Vol. 9, p. 9-11. Having failed to raise this issue in direct testimony, as a party is required to do by Commission rule, and having failed to raise this issue in his oral testimony, Mr. Ratermann should not now be given a third opportunity.

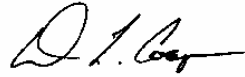
6. The purpose of providing prefiled testimony is to give parties notice of the claims, contentions and evidence in issue. MAWC filed its direct testimony with the initiation of this case on December 15, 2006. Other parties filed their direct testimony on June 5 and 12, 2007. Instead of filing at that time, UWUA Local 335 waited until July 13, 2007, to file this testimony, only two weeks prior to the required filing of surrebuttal testimony.

7. Such timing prejudices MAWC's ability to respond in that there only limited opportunity to conduct discovery and reply to this new issue. Accordingly, MAWC asks the Commission to strike Mr. Ratermann's Rebuttal Testimony prior to the hearing of this matter.

8. In the alternative to this motion to strike, MAWC has quickly prepared and filed the surrebuttal testimony of Cindy Hebenstreit and Greg Weeks in an attempt to address the UWUA Local 335 issues. However, if MAWC's motion is sustained, there will be no need to offer Ms. Hebenstreit's and Mr. Weeks' surrebuttal testimony.

WHEREFORE, MAWC respectfully requests that the Commission sustain this motion and strike the Rebuttal Testimony of Alan Ratermann.

Respectfully submitted,



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ATTORNEYS FOR MISSOURI-AMERICAN  
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## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 31<sup>st</sup> day of July, 2007, to:

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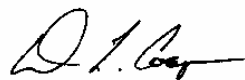
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