

Metropolitan St. Louis Sewer District,  
Complainant,  
v.  
Missouri-American Water Company,  
Respondent.

Missouri-American Water Company, )  
 )  
 Respondent. )

COMES NOW Complainant Metropolitan St. Louis Sewer District (“MSD”), by and through its counsel, and moves the Public Service Commission (“PSC”) for leave to file its Reply Brief in Support of its Motion for Summary Determination. In support of its Motion, MSD submits the following suggestions in support:

1. Complainant MSD filed its Motion for Summary Determination and Suggestions in Support on December 15, 2006.
2. On January 16, 2007, Respondent Missouri-American Water Company (“MAWC”) filed its Response in Opposition to MSD’s Motion for Summary Determination.
3. The regulation governing motions for summary determination, 4 CSR 240-2.117, neither authorizes nor precludes the filing of a reply brief.
4. MSD believes that a reply brief is necessary in order to address the arguments and new issues raised in MAWC’s extensive Response in Opposition.
5. The regulation related to pleadings, 4 CSR 240-2.080(15), indicates that “parties shall not be allowed more than ten days from the date of filing in which to respond to any pleadings unless otherwise ordered by the commission.”

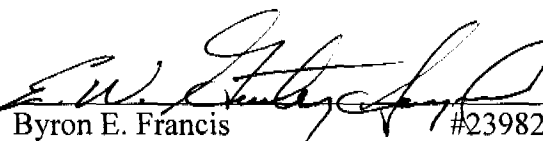
6. MSD's Reply Brief is being filed within ten days from the date of MAWC's Response in Opposition, and is therefore timely under 4 CSR 240-2.080(15).

WHEREFORE, Complainant MSD respectfully requests that the PSC enter an Order sustaining MSD's Motion, allowing MSD to file its Reply Brief in Support of its Motion for Summary Determination, and awarding such further relief as the PSC deems just and proper under the circumstances.

Respectfully submitted,

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**ATTORNEYS FOR COMPLAINANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via email and/or pursuant to the PSC's electronic filing system (EFIS), this 26<sup>th</sup> day of January, 2007, upon the following parties/counsel of record:

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