

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

METROPOLITAN ST. LOUIS SEWER DISTRICT'S APPLICATION TO INTERVENE

COMES NOW Metropolitan St. Louis Sewer District ("MSD"), and pursuant to 4 CSR 240-2.075, respectfully requests that the Public Service Commission (the "Commission") allow MSD to intervene in the above rate proceeding. In support of its Motion, MSD states as follows:

1. MSD is a political subdivision of the State of Missouri and municipal corporation situated in the City of St. Louis, which provides an integrated sewer system for single and multi-family residences and commercial and industrial customers throughout the City of St. Louis and most of St. Louis County. MSD's address is 2350 Market Street, St. Louis, MO 63103; its telephone number is 314-768-2703; and its facsimile number is 314-768-6279.

2. On or about February 14, 2002, MSD and Missouri-American Water Company ("Missouri-American") entered into an Agreement whereby, in exchange for payment, Missouri-American agreed to provide to MSD certain St. Louis County water usage and customer identification data ("Water Usage Data") to be used by MSD in calculating its customers' billing statements (the "Water Usage Data Agreement").

3. In the Water Usage Data Agreement, the parties agreed that in exchange for the Water Usage Data, MSD would pay Missouri-American approximately 50% of Missouri-American's cost of obtaining the Water Usage Data, which was set at a rate of \$0.54 per account

read by tariff, as approved by the Commission, effective April 11, 2002.

4. In September 2003, by mutual written correspondence, the parties terminated the Water Usage Data Agreement, effective December 31, 2003.

5. In April 2004, Missouri-American submitted to the Commission a new tariff for the provision of Water Usage Data to MSD. The new schedule established a yearly flat-fee tariff of \$760,000.00, to be paid by MSD in twelve equal monthly installments. Because MSD had not agreed to any such fee, it requested that the Commission reject the new rate tariff schedule, and Missouri-American subsequently withdrew the new schedule.

6. On July 28, 2006, MSD commenced a proceeding against Missouri-American before the Commission, captioned, "*Metropolitan St. Louis Sewer District v. Missouri-American Water Company*," Case No. WC-2007-0040, which is currently pending.

7. In its Complaint, MSD seeks a determination that (1) Missouri-American's conduct in charging MSD for the Water Usage Data is unreasonable and illegal; (2) Missouri-American's charging of a fee for Water Usage Data constitutes a violation of Section 249.645.1, RSMo; and (3) pursuant to said statute, Missouri-American is required to provide the Water Usage Data to MSD free of charge or is otherwise required to make its water meter reading information and other pertinent records available to MSD at no cost.

8. On December 15, 2006, MSD filed a Motion for Summary Determination, seeking a determination in its favor that the imposition of a fee by Missouri-American for the provision of Water Usage Data constitutes a violation of Section 249.645.1, RSMo. This motion is currently pending.

9. In addition, pursuant to the scheduling order entered by the Commission in MSD's case against Missouri-American, the parties are required to file prepared testimony over the next month in preparation for an evidentiary hearing scheduled on March 7, 2007.

10. Should the Commission ultimately deny the relief that MSD is seeking in its claim against Missouri-American, Missouri-American's proposed tariff for the provision of Water Usage Data to MSD will likely be assessed by the Commission as part of this rate proceeding, subject to MSD's administrative review rights.

11. As a result, depending on the outcome of MSD's proceeding against Missouri-American, MSD's interests may be implicated in this rate proceeding.

12. MSD has a right to protect its interests with respect to the provision of Water Usage Data by Missouri-American, and these interests are divergent from those of the general public and could be adversely affected by the final order issued in this case.

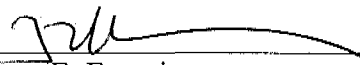
13. Accordingly, intervention by MSD in Missouri-American's rate proceeding is warranted under the circumstances.

WHEREFORE, Metropolitan St. Louis Sewer District prays for an order from the Commission granting its request to intervene in this proceeding and awarding such further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

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**ATTORNEYS FOR METROPOLITAN
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via electronic submission and/or by U.S. Mail, postage prepaid, this 16th day of January, 2007, upon the following parties/counsel of record, pursuant to paragraph 3 of the Commission's Suspension Order and Notice, Order Setting Hearings, and Order Directing Filing, issued in the above-referenced proceeding on January 3, 2007:

Colleen M. Dale, Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

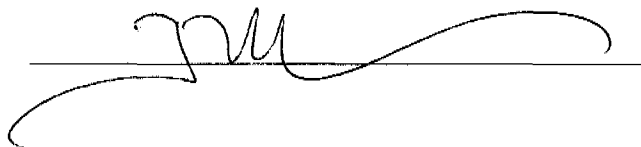
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A handwritten signature in black ink, appearing to be 'KAT', is written over a horizontal line.