

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

**The Staff of the Missouri Public  
Service Commission,  
Complainant,**

**v.**

**Suburban Water and Sewer Company  
and  
Gordon Burnam,  
Respondents.**

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**Case No. WC-2007-0452**

**RESPONDENTS' RESPONSE TO STAFF'S MOTION FOR WAIVER OF THE 60 DAY  
RULE AND MOTION FOR EXPEDITED TREATMENT**

COME NOW Respondents Suburban Water and Sewer Co. ("Suburban") and Gordon Burnam ("Burnam"), by and through undersigned counsel, and for their response to the Staff's Motion for Waiver of the 60 Day Rule and Motion for Expedited Treatment, state as follows:

1. Burnam has entered his appearance specially for the purpose of contesting this tribunal's jurisdiction over him. Nothing contained herein is a waiver of those rights to object or a submission to this tribunal's jurisdiction.

2. In its filing on this issue, the staff ("Staff") for the Missouri Public Service Commission ("Commission") has submitted three separate motions, namely a Motion for Summary Determination, a Motion for Waiver of the 60 Day Rule, and a Motion for Expedited Treatment.

3. Respondents are replying herein only to portions of said filing, and specifically to the Motion for Waiver of the 60 Day Rule and Motion for Expedited Treatment (the "Subject Motions"), and they reserve the right to respond to the Motion for Summary Determination, depending on the Commission's ruling on these issues.

4. The Commission has already granted expedited treatment for the hearing on the First Amended Complaint in this cause, over Respondents' objections, and has set the hearing date on July 26, 2007.

5. Respondents believe there is not good cause to grant the Subject Motions for the following reasons:

a. Respondents are taking seriously the alleged violations and the potential penalties being sought, and for this reason desire to adequately prepare their defenses.

b. Respondents are diligently pursuing discovery and have not have been able to complete said discovery and cannot fully and adequately prepare a formal response to Staff's Motion for Summary Determination within the requested period of time, because, among other things, Burnam is out of the country until the end of this week and Respondents' attorneys are deposing members of the Staff next week.

c. Respondents also submit that for administrative economy and fairness to all the parties, it does not make sense to have an expedited summary determination just a few days in advance of the actual evidentiary hearing, which has already been expedited.

d. The Staff's claim that, in the absence of an expedited summary determination, there would be "harm of an unnecessarily lengthy hearing involving meritless defenses," where Respondents are actively pursuing discovery and attempting to develop defenses on an already expedited timeframe, is without merit and in no event constitutes good cause for such an expedited summary determination.

WHEREFORE, Respondents respectfully request the Commission deny the Subject Motions and hear all matters and take all motions, including the Motion for Summary

Determination, with the case and for such other and further relief as is just and proper in the circumstances.

/s/ Matthew S. Volkert  
Matthew S. Volkert, MO Bar Number 50631  
Thomas M. Harrison, MO Bar Number 36617  
**Van Matre Harrison, and Volkert, P.C.**  
1103 East Broadway  
P. O. Box 1017  
Columbia, Missouri 65205  
Telephone: (573) 874-7777  
Telecopier: (573) 875-0017  
matt@vanmatre.com  
Attorneys for Respondent Suburban Water and  
Sewer Company and Gordon Burnam

CERTIFICATE OF SERVICE

The undersigned certifies that a complete and conformed copy of the foregoing document was filed electronically and mailed to each attorney who represents any party to the foregoing action, by U.S. Mail, postage prepaid in the proper amount, at said attorney's business address.

/s/ Matthew S. Volkert  
Dated: July 10, 2007