

GREGORY D. WILLIAMS  
ATTORNEY AT LAW  
HIGHWAY 5 AT 5-33  
P. O. BOX 431  
SUNRISE BEACH, MO 65079

573 / 374-8761

FAX 573 / 374-4432

October 21, 2002

Hon. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**  
**OCT 23 2002**

**Missouri Public  
Service Commission**

Re: Staff v. Osage Water Company  
WC-2003-0134

Dear Judge Roberts:

Please find enclosed for filing in the above referenced matter the original and 8 copies of the following:

1. Reply to Staff's Response to Motion to Strike Expedited Evidentiary Hearing.

An additional copy is enclosed to be stamped "filed" and returned to me in the enclosed envelop.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely yours,

  
Gregory D. Williams

cc: Keith Krueger  
Ruth O'Neill  
Tom Loraine

**FILED**<sup>3</sup>

OCT 23 2002

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

The Staff of the Missouri Public Service  
Commission,

Complainant,

vs.

Osage Water Company,

Respondent.

**Missouri Public  
Service Commission**

Case NO. WC-2003-0134

**REPLY TO STAFF'S RESPONSE TO  
MOTION TO STRIKE EXPEDITED EVIDENTIARY HEARING  
AND FOR PREHEARING CONFERENCE  
TO ESTABLISH PROCEDURAL SCHEDULE**

COMES NOW the Respondent in the above captioned matter and for its Reply to Staff's  
Response states:

1. Staff alleged in its Complaint herein that the customers of the Company are in imminent danger of losing their water and/or sewer service "because the Company's owners have actually or effectively abandoned the Company" as a basis for Expedited Treatment of its Complaint herein.
2. Staff failed to allege with specificity what customers in what service area are in such imminent danger.
3. The Company in its Answer has alleged that all of its customers are presently receiving safe and adequate water and sewer service.
4. In its Response to the Company's Motion to Strike the Expedited Evidentiary Hearing Staff state "Service to some of the Company's customers has recently been interrupted, and based on this recent experience, there now exists a serious and imminent risk that safe and adequate service to the Company's customers may again be interrupted if another mechanical repair to one of the Company's systems becomes necessary."

5. The Company's Tariff in Rule 9, Interruptions in Service, Sheet 21, on file with and approved by this Commission in Case 89-73, provides as follows:

"The Company reserves the right to discontinue water in its mains at any time, without notice, for making emergency repairs to the water system."

6. Staff in its Response alleges that an interruption in service may occur at some unknown future date, as a result of the necessity of a mechanical repair to one of the Company's systems, and asserts that the risk that such a mechanical repair might occur, and might result in an interruption in service, justifies the abandonment of applicable Missouri Rules of Court and applicable Commission regulations and procedures. The Company must concede that a mechanical repair may become necessary in the future, in fact, mechanical failures occur on a regular basis with mechanical systems, and such mechanical failures have recently occurred, and have been repaired by the Company as and when the same have occurred. Some mechanical failures result in a disruption of service, some do not. The Company's Commission approved tariff approved contemplates that repairs may disrupt service. In essence, the Staff has alleged that the Company's provision of service in accordance with the terms of its tariff may result in a disruption of service to Customers. This does not constitute good cause for expedited treatment. Staff's allegations fall short of establishing grounds for an emergency and expedited treatment of its Complaint herein.

WHEREFORE, Respondent prays for an Order of the Commission striking the expedited evidentiary hearing scheduled herein for October 24, 2002 and establishing a pre-hearing conference herein, and for its costs and attorney's fees herein incurred.

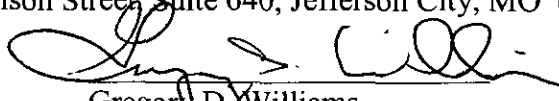
  
Gregory D. Williams #32272  
Highway 5 at Lake Road 5-33

P.O. Box 431  
Sunrise Beach, MO 65079  
(573) 374-8761

**CERTIFICATE OF SERVICE**

I, Gregory D. Williams, do hereby certify that a true copy of the foregoing was on this 21 day of October, 2002, mailed, postage prepaid, to the following:

Dana K. Joyce, P.O. Box 360, 200 Madison Street, Suite 800, Jefferson City, MO 65102; John B. Coffman, P.O. Box 7800, 200 Madison Street, Suite 640, Jefferson City, MO 65102.

  
Gregory D. Williams