

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

The Staff of the Missouri Public)	
Service Commission,)	
Complainant,)	
)	
v.)	Case No. WC-2007-0452
)	
Suburban Water and Sewer Company)	
and)	
Gordon Burnam,)	
Respondents.)	

**RESPONDENT'S SUPPLEMENTAL RESPONSE TO STAFF'S MOTION
TO ORDER RESPONDENTS TO MAKE REASONABLE IMPROVEMENTS**

COMES NOW Respondent Suburban Water and Sewer Company ("Suburban"), by and through undersigned counsel, and for its Supplemental Response to Staff's Motion to Order Suburban Water and Gordon Burnam to Make Reasonable Improvements state as follows:

1. Gordon Burnam has been dismissed from this case.
2. On June 5, 2007, the Commission consolidated Staff's Case No. WC-2007-0452 ("Staff's Case") with OPC's Case No. WO-2007-0444 ("OPC's Case"). Staff objected to said consolidation, while Respondents supported it.
3. Staff's Case relates to alleged violations of a 2005 unanimous disposition agreement and related order involving Suburban. OPC's Case relates to a customer notice sent out announcing the possible corporate dissolution of Suburban.
4. On July 10, 2007, Staff requested an order authorizing them to investigate Suburban's system. On or about July 11, 2007, after Suburban immediately and voluntarily consented to such an investigation, and Staff then withdrew its motion. On July 13, 2007, Respondents fully cooperated in such investigation.

5. On July 10, 2007, Staff also requested an order to cause Suburban and Burnam to make reasonable improvements under Section 393.140 ("Staff's Motion"). On July 18, 2007, Respondents filed their opposition to Staff's Motion.

6. On July 24, 2007, Staff issued its report of inspection recommendations ("Report").

7. On July 25, 2007, Staff responded to Respondents' opposition to Staff's Motion, claiming that Respondents were arguing conflicting positions.

8. However, Respondent is not arguing anything new or different. The basis for Respondents' support of the earlier consolidation order is because Respondents have alleged that Staff's motivation in bringing Staff's Case was a direct result of the customer notice that gave rise to OPC's Case and to use as leverage in connection with said notice and that the two cases were inextricably intertwined.

9. On the other hand, never before Staff's Motion (either in Staff's Case or otherwise), had Staff requested an affirmative order to cause Suburban to make improvements under Section 393.140. Staff's Motion and Staff's Report do not relate to Staff's Case or OPC's Case or the relief requested therein.

10. Further, the recommendations set forth in Staff's Motion and Staff's Report do not match each other or those set forth in Mr. Gilbert's report, which was attached to Staff's response to Respondents' opposition to Staff's Motion, and Respondent has not had time to review, consider, conduct discovery, or discuss with its own experts any of these recommendations.

11. Respondent contend that to hold an evidentiary hearing on Staff's Motion and Staff's Report two (2) weeks and two (2) days after their filing and issuance, respectively, would violate the Commission's own rules as well as due process of law.

12. Respondent maintains that the filing of Staff's Motion was simply a back-door attempt to amend the First Amended Complaint in Staff's Case, without proper notice and opportunity to prepare a defense.

WHEREFORE, Respondent hereby reiterates its request to overrule Staff's motion and for the other relief requested in Respondents' Opposition to Staff's Motion to Order Suburban Water and Gordon Burnam to Make Reasonable Improvements and for such other and further relief as the Commission deems just and proper under the circumstances.

/s/ Matthew S. Volkert
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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 25, 2007