

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAY 25 2007

**GREATER JEFFERSON CITY CONSTRUCTION
COMPANY, INC., and EDWARD P. STOREY,**

Complainants,

v.

AQUA MISSOURI, INC.

Respondent.

**Missouri Public
Service Commission**

Case No. WC-2007-0303

COMPLAINANTS' REPLY TO RESPONDENT'S AFFIRMATIVE DEFENSES

COME NOW Complainants, and for their Reply to Respondent's affirmative defenses, state as follows:

A. Respondent either misstates or misunderstands Complainants' expert's position and Complainants' position. Complainants' expert establishes that 120 total homes, which would be 40 additional hookups, would be within the plant's capacity. Complainants at one time offered to accept 10 additional connections and then do further studies to determine how the plant was handling it. Complainant has never sought only 10 additional connections, and Respondent has recently offered a total of 10 connections ever. Therefore, affirmative defense labeled "A" is invalid and misleading.

B. Respondent claims that the Complaint should be dismissed pursuant to accord and satisfaction because Complainants requested 10 connections and Respondent offered it. As stated above, Complainants' study indicates that the system can handle an additional 40 homes at the existing Census rate and flow; Complainants had requested an additional 10 connections, with further subsequent studies. Respondent never met that offer. Respondent's offer was to allow 10

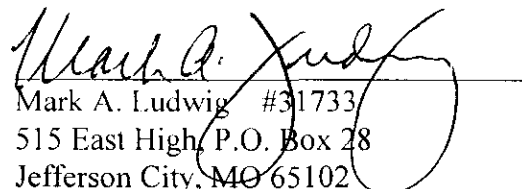
hookups and only 10 hookups, which is not supported by any engineering study or data and would not make good business sense from the Complainants' position. Therefore, there was no valid agreement and the doctrine of accord and satisfaction does not apply.

C. Complainants deny the original plans and specs for the plant was for 80 connections. The original plans and specifications were designed "for the entire development"; the only place 80 connections comes into play was in the original permit from DNR, and there is no "80 connection" limit in the present permit.

D. Complainants deny that any expansion of the existing treatment facility would be required for the plant to handle homes beyond 80 in number, and in fact all tests and data reveal that the plant would handle up to 120 homes and there is no need for a Developer Agreement with Respondent.

WHEREFORE, Complainants pray for an order pursuant to their Complaint filed herein.

CARSON & COIL, P.C.

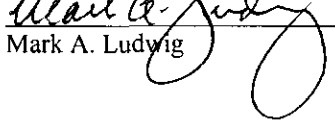

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ATTORNEYS FOR COMPLAINANTS

CERTIFICATE OF MAILING

The undersigned certifies that an exact copy of the above and foregoing was mailed, first class postage prepaid, on May 22, 2007, to:

Marc H. Ellinger
308 East High Street
Suite 301
Jefferson City, MO 65101


Mark A. Ludwig