

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

The Staff of the Missouri)	
Public Service Commission,)	
)	
Complainant,)	
v.)	<u>Case No. WC-2007-0452</u>
)	<u>and WO-2007-0444</u>
Suburban Water and Sewer Co. and Gordon)	
Burnam,)	
)	
Respondents.)	

**STAFF’S MOTION UNDER SECTION 393.140 TO ORDER SUBURBAN WATER AND
GORDON BURNAM TO MAKE REASONABLE IMPROVEMENTS TO PROMOTE
THE PUBLIC INTEREST, PRESERVE THE PUBLIC HEALTH, AND PROTECT
CONSUMERS OF SUBURBAN WATER AND SEWER COMPANY**

COMES NOW, the Staff of the Public Service Commission, by counsel, and moves the Commission to order Respondents, Suburban Water and Sewer Company and Gordon Burnam, to make reasonable improvements to the Suburban Water and Sewer Co. system to promote the public interest, preserve the public health, and protect customers using the system. Staff states:

1. Staff’s Complaint case, WC-2007-0452 was consolidated with Public Counsel’s investigatory case, WO-2007-0444. The Staff joins Public Counsel’s request to investigate Suburban Water and Sewer Co.’s facilities to ensure that customers are not deprived of safe and adequate service.
2. On Friday, June 29, 2007, the Commission obtained an injunction against Suburban Water and Sewer Co. and Gordon Burnam to prevent them from terminating water services to their customers. Suburban and Gordon Burnam had threatened to discontinue service on July 1, 2007, a Sunday, and leave over 150 customers without water.

3. Suburban Water and Sewer Co. (Suburban) is a public utility regulated by the Commission.
4. Gordon Burnam is an officer, shareholder and director of Suburban, responsible for decisions made by Suburban.
5. Gordon Burnam is a person owning, operating, controlling or managing plant and property, distributing and selling water for gain.
6. Gordon Burnam is a “water corporation” as defined by Section 386.020(58).
7. As a water corporation, Gordon Burnam is a public utility under Section 386.020(42).
8. The Commission has authority under Section 393.140(2) to investigate the quality of water supplied by persons and corporations and the methods employed by persons and corporations in supplying and distributing water for any purpose, and has the power to order such reasonable improvements as will best promote the public interest, preserve the public health, and protect those using the water system.
9. Suburban and Gordon Burnam have failed and refused to comply with the Commission’s June 16, 2005 Order in Case No. WR-2005-0455 directing Suburban to make improvements to the system, including:
 - a) Installing meters to all buildings;
 - b) Implementing a ten year replacement program for existing meters;
 - c) Installing flush valves with the flushing capability of at least 3 feet per second in all mains;

- d) Replacing the standpipe inlet high enough to provide adequate circulation and detention time; and
 - e) Contracting with a certified operator to maintain the company's well and distribution system.
10. Suburban and Gordon Burnam's failure have put the system and its customers at greater risk. At present, the system has fallen into additional disrepair and in need of additional improvements to maintain safe and adequate service, including but not limited to:
- a) Installing meters to each and every building;
 - b) Replacing meters that are more than ten years old in compliance with Suburban's commitment to implement a replacement program and 4 CSR 240-10.030(37) and (38). Some meters may be 35 years old;
 - c) Installing flush valves with the flushing capability of at least 3 feet per second in all mains;
 - d) Contracting with a certified operator to maintain the company's well and distribution system;
 - e) Installing a pressure reducing valve in the connection with PWSD #1;
 - f) Replace, rather than repair, the standpipe; and
 - g) Cap the well if water is taken from PWSD #1;
11. Suburban and Gordon Burnam as the person owning, managing and controlling the water system are responsible for providing safe and adequate service to customers and making necessary improvements.

12. Every officer, agent or employee of any corporation or public utility who fails to comply with, or who procures, aids or abets any violation of any order of the Commission is guilty of a misdemeanor. Section 386.580.
13. The Commission has authority to order Suburban and Gordon Burnam to make the above and additional improvements under Section 393.140(2).

Wherefore, the Staff moves the Commission for an order directing Suburban and Gordon Burnam to make improvements necessary that will best promote the public interest, preserve the public health, and protect those using the water and sewer system.

Respectfully submitted,

/s/ Steven C. Reed

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record on this 10th day of July, 2007.

/s/ Steven C. Reed

Steven C. Reed