

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

In the Matter of U.S. Water Company for)		
an Extension of Time to File its 2004)		Case No. WE-2005-0368
Annual Report.)		

**STAFF'S RESPONSE TO
U.S. WATER COMPANY'S SECOND REQUEST
TO FILE ANNUAL REPORT OUT OF TIME**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and, for its Response to U.S. Water Company's Second Request to File Annual Report out of Time, states to the Missouri Public Service Commission as follows:

1. On April 15, 2005, U.S. Water Company requested a 90-day extension of the time for filing its 2004 annual report. The Staff supported U.S. Water's request, and the Commission granted it, ordering the Company to file its annual report by no later than July 14, 2005. U.S. Water did not file its report on time, but on July 19, 2005, it requested a second extension of the time to file, this time for an additional 60 days. The Commission ordered the Staff to file a response to the Company's second request by no later than August 8, 2005.

2. On August 5, 2005, U.S. Water filed its Supplement to Request for Additional Extension of Time to File Annual Report. In this pleading, the Company explained in more detail the reasons why it was unable to file its annual report by the original deadline or by the extended deadline, and also amended its request to provide that the report would be due by August 15, 2005, instead of by September 12, 2005, as previously requested.

3. The Staff has investigated this matter and found that the Company's failure to timely file its report was inadvertent, due to the failure of the Company's accounting firm to appreciate

the importance of a timely filing and of the consequences to the Company of a failure to timely file. In addition, the Staff has been assured that the Company will submit its report within the next few days.

4. The Staff has not been harmed by the late filing of the required annual report and believes that neither the Commission nor any other party has been harmed by the late filing.

5. Rule 4 CSR 240-2.050 (3) (B) provides that when an act is required or allowed to be done by order of the Commission at or within a specified time, the Commission, at its discretion, may, after the expiration of the specified period, permit the act to be done, where the failure to act was the result of excusable neglect.

6. Accordingly, the Staff states that it has no objection to U.S. Water Company's second request for extension, as amended by the supplemental pleading that the Company filed on August 5, 2005. However, the Staff requests that the Commission's order granting an extension of time subject that grant of authority to the limitation that the Company will not initiate any other actions before the Commission prior to submitting its report.

WHEREFORE, the Staff reports that it does not oppose U.S. Water's request to extend the time to file its 2004 annual report by an additional period of 32 days, until August 15, 2005, and asks that the Commission direct U.S. Water Company to attach the Commission's orders to its annual report when it submits that annual report. Moreover, the Staff requests that the Company be directed that, if it initiates an action prior to August 15, 2005, that it submit its 2004 annual report prior to filing such action.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 8th day of August 2005.

/s/ Keith R. Krueger