

**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,)	
Respondent.)	

**RESPONDENT'S RESPONSE TO STAFF'S MOTION REQUESTING THE
COMMISSION TO TAKE CERTAIN ACTIONS AND RESPONDENT'S MOTION TO
STRIKE, OR ALTERNATIVE MOTION FOR ADDITIONAL TIME**

COMES NOW Respondent Suburban Water and Sewer Co., by and through undersigned counsel, and for its Response to the Staff's Motion Requesting the Commission to Take Certain Actions and its Motion to Strike, or Alternative Motion for Additional Time, states as follows:

Respondent's Response to Staff's Motion and Motion to Strike

1. In its Motion Requesting the Commission to Take Certain Actions ("Motion"), the staff ("Staff") for the Missouri Public Service Commission ("Commission") has asked the Commission for four separate actions, including to order that Respondent's response to the Motion be filed no later than Monday, August 27, 2007 at 1:00 p.m.

2. Respondent is replying herein only to a portion of the Motion, and specifically to said request for Respondent's response to the Motion be filed no later than Monday, August 27, 2007 at 1:00 p.m., and it reserves the right to respond to the remaining portions of the Motion, depending on the Commission's ruling on this issue.

3. The Staff, in its First Amended Complaint filed in this case, requested only that the Commission, for each of the counts, to find that Respondent "violated the terms in the disposition agreement" and to authorize the Staff to initiate an action in circuit court. Staff has

never before, in any of its filings in this case, asked the Commission to make any specific findings other than as quoted above, nor would such a request be permissible under Section 386.570 RSMo.

4. Respondent, in its defense of this case, noted specifically at the hearing that the purpose of this case was merely to take the actions noted above and not to make any other findings or take any other actions. (Tr. pp. 26-28). Respondent's defense at said hearing was premised on this concept.

5. Staff cannot now request the Commission to make additional findings not requested in its First Amended Complaint, after the hearing on said First Amended Complaint, because that would deny Respondent the opportunity to prepare and present an appropriate defense and, thereby, due process of law.

6. Respondent, therefore, objects to the Motion and asks that it be stricken.

WHEREFORE, Respondent respectfully requests the Commission to strike the Staff's Motion Requesting the Commission to Take Certain Actions and for such other and further relief as is just and proper in the circumstances.

Respondent's Alternative Request for Additional Time

7. Respondent hereby incorporates by reference its allegations and statements in paragraphs 1-6 above.

8. In the event the Commission determines to deny Respondent's foregoing Motion to Strike and considers the Motion, Respondent will need additional time in which to respond to the arguments set forth therein.

9. Respondent was served by the Motion electronically on Friday mid-morning and has been asked to respond by Monday early afternoon. Respondent contends that this is

insufficient time in which to prepare an appropriate response and requests additional time to do so.

WHEREFORE, Respondent respectfully requests the Commission to grant it additional time in which to respond to the Motion and for such other and further relief as is just and proper in 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: August 24, 2007