

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

In the Matter of Missouri-American Water	)	<b><u>Case No. WR-2007-216. et al.</u></b>
Company's Request for Authority to	)	Tariff Nos. YW-2007-0407, YW-2007-0409
Implement a General Rate Increase	)	YW-2007-0410, YW-2007-0411, YW-2007-
for Water Service Provided in Missouri	)	0412, YW-2007-0413, YS-2007-0415, YS-
Service Areas	)	2007-0416, YS-2007-0417, JS-2007-0713,
		and JS-2007-0714

**CONCURRING OPINION OF COMMISSIONER CONNIE MURRAY**

I write separately to indicate my disagreement with only one small portion of the Report and Order – the amendment which was added just prior to the vote. That amendment directed staff to conduct an investigation into asbestos-cement and lead-jointed pipe issues that were raised outside the record by Local 335, and instructed Local 335 how to follow the Commission's procedural rules.

In addition to the conclusory statements made by Mr. Ratterman in the rebuttal testimony that was properly excluded from the case, the Union attempted to file two documents along with that testimony – also appropriately excluded. One was a letter from a Union president requesting information about asbestos-cement pipe and lead-jointed pipe from an unidentified "Mr. Simmons." The other document was a Report on Cancer Risks Associated with the Ingestion of Asbestos from the Environmental Health Perspectives Journal. This article was non-conclusive and recommended further study, stressing that while further research was important that this was not the "most pressing potential public health hazard facing the nation." There was nothing

submitted concerning lead-jointed pipe. In short, nothing was even alleged that warranted a Commission investigation.

The EPA regulates the quantity of asbestos that can be in the water supply, thus protecting MAWC's customers; and OSHA is already conducting an investigation of the asbestos piping used by MAWC, thus, protecting the workers. Therefore, any further investigation by our Commission may not be necessary and may, to some degree, be pre-empted. Furthermore, the Union has the option of filing a complaint action should it feel the safety of its workers, or the public, is threatened, and it can attempt to produce evidence in such a proceeding.

I am in full agreement with the remainder of the Report and Order.

**Respectfully submitted,**

  
Connie Murray, Commissioner

Dated at Jefferson City, Missouri  
on this 4th day of October 2007.