

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

The Staff of the Missouri Public Service Commission,)	
)	
)	Case No. WC-2007-0394
v.)	SC-2007-0396
)	
Central Jefferson County Utilities, Inc., et al.)	

**CENTRAL JEFFERSON'S RESPONSE
TO STAFF'S RENEWED MOTION FOR PARTIAL SUMMARY DETERMINATION**

Comes now Central Jefferson County Utilities, Inc. (Central Jefferson) and, in response to the Staff's Renewed Motion for Partial Summary Determination, states as follows to the Missouri Public Service Commission (Commission):

SUMMARY

Staff's Renewed Motion for Partial Summary Determination is essentially a motion for reconsideration of a previous Commission decision. The Renewed Motion contains no allegation that the Commission's earlier decision was "unlawful, unjust, or unreasonable." Commission Rule 4 CSR 240-2.160(2). In fact, a recent Circuit Court ruling supports the reasoning behind the Commission's earlier decision.

Further, a grant of the Staff Motion will not shorten the proceeding as Central Jefferson is the only one of the respondents that was a party to the earlier Commission case referenced in Staff's Motion (SO-2007-0071). No matter what result is reached in regard to the Staff Motion, the case against the other respondents, as well as Central Jefferson's affirmative defenses, would still have to be tried anew.

BACKGROUND

1. On June 15, 2007, the Staff Jefferson filed its Motion for Partial Summary Determination. The motion contained thirty-nine (39) separate factual allegations.

2. On July, 23, 2007, Central Jefferson filed its Response in Opposition to Motion for Partial Summary Determination. The response provided a general response in opposition to the Staff motion as well as specific responses, with citations, to each of the thirty-nine (39) separate factual allegations.

3. The Commission held an oral argument concerning the Staff's motion on September 24, 2007.

4. On October 4, 2007, the Commission issued its Order Denying Staff's Motion for Partial Summary Determination. That Order did not assess whether there was a genuine issue as to each individual allegation. Instead, the Commission found as follows:

. . . the Commission finds that, under the circumstances here, including those discussed above and the fact that the Circuit Court of Cole County is currently in the midst of undertaking judicial review of the record and the Commission's findings and conclusions in Case No. SO-2007-0071, it would not be in the public interest to grant the relief requested by Staff in the instant complaint cases by summary determination based solely on the record developed in Case No. SO-2007-0071.

5. Since the issuance of this Commission Order, the Cole County Circuit Court issued its Findings of Fact, Conclusions of Law and Judgment in the appeal of Case No. SO-2007-0071 (Cole County Case No. 07AC-CC00444) on June 30, 2008. In that Judgment, the Court found, in part, that "the Case No. SO-2007-0071 findings of statutory violation to be unlawful, having been achieved by procedure not authorized by law."

DISCUSSION

6. Staff's renewed Motion is essentially a motion for reconsideration of the earlier Commission decision. The Renewed Motion does not identify any change in facts that would justify reconsideration or a finding that the Commission's earlier decision was "unlawful, unjust, or unreasonable." Commission Rule 4 CSR 240-2.160(2).

7. If anything, the Circuit Court's recent ruling provides additional support for the reasoning behind the Commission's Order Denying Staff's Motion for Partial Summary Determination.

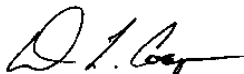
8. Staff's concern that a statute of limitations is running in regard to this matter does not reveal a new situation. This has been true for quite some time. Further, a grant of Staff's Renewed Motion for Partial Determination will not assist with that matter. The motion for partial summary determination would only be applicable to Central Jefferson. None of the other respondents were parties to Commission Case No. SO-2007-0071. Thus, even if the Commission were to find against Central Jefferson as to the factual issues alleged by Staff, the issues would have to be tried anew as to the remaining respondents. The Commission also previously pointed out in its Order Denying Staff's Motion for Partial Summary Determination that Central Jefferson's affirmative defenses in this matter may require hearing irrespective of a finding in regard to the Staff's Motion for Partial Summary Determination.

9. Lastly, as indicated in the Status Report filed in this matter on August 8, 2008, motions to dismiss that raise basic questions of jurisdiction remain pending in this

case. A ruling as to those motions is necessary before the case can progress in a meaningful manner.

WHEREFORE, Central Jefferson respectfully requests the Commission deny the Staff's Renewed Motion for Partial Summary Determination.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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