

**The below comments are specific to MAWC’s proposed rule during the hearing in addition to OPCs comments as Exhibit 4.** New conditions (i.e., directly from OPC or in response to OPC) added to MAWC’s initial comment to the proposed rule are in **bold** text.

Stakeholder	Proposed Rule Reference	Change	Summary of Comment	Staff Response
<b>Missouri American Water Company (MAWC)</b>	20 CSR 4240-10.195(1)	(B) Within fifteen (15) days of receipt of the confidential letter, the Commission shall indicate in writing and copying <b>the Office of the Public Counsel and the Staff of the Commission</b> whether it will appoint an appraiser under section 393.320.3(1), RSMo.	As explained in the rule hearing for this matter, OPC and MAWC have expressed that the Commission needs to identify if it will appoint an appraiser or not for the appraisal.	Staff initially opposed the requirement establishing that the Commission indicate if an appraiser would be appointed.  Staff further recommend the Commission reject the proposed modification as Staff and OPC are already both notified when applications are submitted to the Commission. Adding this condition to the proposed rule is not necessary.
MAWC	20 CSR 4240-10.195(1)	(D) If the Commission elects to appoint an appraiser, the appointment shall occur within forty-five (45) days of the receipt of notice from a large water public utility. If the Commission requires more than forty-five (45) days to complete the appointment of an appraiser, it shall notify the large water public utility within forty-five (45) days of receipt of notice from the large	As explained in the rule hearing for this matter, OPC and MAWC have expressed that the Commission needs to identify if it will appoint an appraiser. This addition adds an end date for the Commission to have the appointment made.	Staff initially opposed the requirement establishing that the Commission indicate if an appraiser would be appointed.  Staff further recommend the Commission reject the proposed modification as it limits the Commission flexibility and potentially unachievable.

		public utility. <b>The appointment shall be completed within 75 days after receipt of the large water public utility's notice.</b>		
MAWC	20 CSR 4240-10.195(1)	<b>(F) All documents, evaluations, or reports prepared by, or under the direct supervision of, a registered professional engineer or shall be signed, sealed, and dated by either the professional engineer or direct supervisor licensed in the state of Missouri.</b>	MAWC added this language from OPC to MAWC's proposed rule.	Staff is not opposed to this modification provided that the language read: <b>All documents, evaluations, or reports prepared by, or under the direct supervision of, a registered professional engineer shall be signed, sealed, and dated by a professional engineer licensed in the state of Missouri.</b>
MAWC	20 CSR 4240-10.195(1)	<b>(G) The appraisal relied on in determining the fair market value of the small water utility. If one of the appraisers did not join the final appraisal, as provided in section 393.320.3(3), RSMo a statement indicating such and providing a reason why shall also be included. The appraisal shall include, but is not limited to, the following:</b>	MAWC added this language from OPC to MAWC's proposed rule.	Staff is not opposed to this modification.

MAWC	20 CSR 4240-10.195(G)	<b>1. A listing of the licensed appraisers separated by and confirming who the appointed appraiser is representing for both the large water public utility and small water utility, and if the Commission has chosen to appoint an appraiser, the Commission;</b>	MAWC added this language from OPC to MAWC's proposed rule.	<p>Staff is not opposed to adding water to large water public utility as proposed by OPC.</p> <p>Staff is opposed to the addition regarding OPC's addition regarding the Commission determination to appoint an appraiser.</p> <p>Staff recommends the rule remain silent regarding the potential appraiser appointed by the Commission in order to provide flexibility to the Commission.</p>
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