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ORIGINAL

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September 12, 2003

FILED³

SEP 12 2003

Missouri Public
Service Commission

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

Re: Case No. AC-2003-0526
*In the Matter of Springfield City Utilities' Surcharges on Nonresidents of Springfield,
Missouri*

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and eight (8) copies of *Response To Order Directing Filing* filed on behalf of the City of Springfield, Missouri.

Copies of the filing have on this date been mailed or hand-delivered to counsel for all parties of record. Thank you.

Sincerely,


Brent Stewart

CBS/bt

Enclosure

cc: William H. May
General Counsel
Office of the Public Counsel
Howard Wright
Andy Dalton

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SEP 12 2003

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

**Missouri Public
Service Commission**

In the Matter of Springfield City Utilities')
Surcharges on Nonresidents of Springfield,) Case No. AC-2003-0526
Missouri.)

RESPONSE TO ORDER DIRECTING FILING

COMES NOW the City of Springfield, Missouri, through the Board of Public Utilities ("Respondent"), by and through counsel, and pursuant to the Commission's *Order Directing Filing* issued on September 9, 2003, respectfully states as follows:

1. The Commission issued its *Order Directing Filing* on September 9, 2003 requiring a response by Respondent no later than September 12, 2003. For some unknown reason, undersigned counsel for Respondent was not served with a copy of said Order (see official case service list, attached hereto) and only became aware of said Order when Respondent's in-house counsel faxed a copy of same to him the afternoon of September 11, 2003. To avoid further notice problems, Respondent requests that the Commission direct its Data Center to add Respondent's undersigned counsel to the Commission's official service list for all future correspondence, orders and notices.

2. Staff correctly cites Section 250.190 RSMo 2000 for the proposition that the General Assembly has specifically approved rate differentials for municipality-provided water and sewer service as between municipal residents and non-residents. Section 250.190 RSMo 2000 provides:

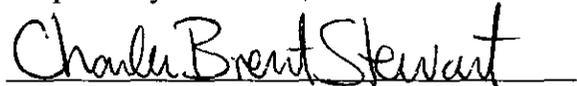
"Any such city, town or village or sewer district operating a sewerage system or a combined waterworks and sewerage system under this chapter shall have power to supply water services or sewerage services or both such services to premises situated outside its corporate boundaries and for that purpose to extend and improve its

sewerage system or its combined waterworks and sewerage system. Rates charged for sewerage services or water services to premises outside the corporate boundaries may exceed those charged for such services to premises within the corporate limits.”

3. Pursuant to its City Charter and consistent with the above-cited statute, the City of Springfield, Missouri provides both water and sewer service to its residents and to non-residents outside the City’s corporate limits. Water service is provided directly by and through the Board of Public Utilities (“City Utilities”) (City Charter, Article XVI). Sewer service is provided through the City of Springfield, Missouri’s Department of Public Works (City Charter, Article VIII), with sewer rates based upon a customer’s water usage and with customer billing handled by and through City Utilities.

WHEREFORE, having fully responded to the Commission’s *Order Directing Filing*, Respondent renews its Motion To Dismiss filed on July 17, 2003.

Respectfully submitted,



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ATTORNEY FOR THE CITY OF
SPRINGFIELD, MISSOURI THROUGH
THE BOARD OF PUBLIC UTILITIES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer in Case No. AC-2003-0526 was served this date on counsel for the Petitioners, the General Counsel's Office and the Office of the Public Counsel by placing same in the United States Mail, first class postage pre-paid, or by hand-delivery, this 12th day of September, 2003.

Charles Brent Stewart

MISSOURI PUBLIC SERVICE COMMISSION

September 9, 2003

Case No. AC-2003-0526

Dana K Joyce
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

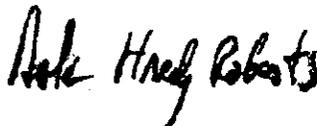
John B Coffman
P.O. Box 7800
200 Madison Street, Suite 640
Jefferson City, MO 65102

William H May
Nonresidents of Springfield, MO
1910 E. Bruntwood St.
Springfield, MO 65803

Andy Dalton
Springfield City Utilities
P.O. Box 551
Springfield, MO 65801

Enclosed find a certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge