## BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

In the Matter of the Small Company Rate

Case No. SR-2005-0116

Increase Request of Mill Creek Sewers, Inc. )

Tariff Work I.D. No. YS-2005-0330

## MILL CREEK RESPONSE TO COMMISSION REQUEST FOR ACCEPTANCE OF A FINANCIAL RECEIVER

COMES NOW Mill Creek Sewers, Inc., (Company) by and through Counsel and states as follows:

- 1. On October 27, 2004 Company filed revised tariff sheets to implement the provisions of a Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request that established the instant case.
- 2. On December 7 and December 22, 2004, the Public Service Commission ("Commission") issued its *Order Suspending Tariff* and its *Order Scheduling Local Public Hearing*, respectively, and suspended the Company's pending revised tariff sheets until April 12, 2005.
- 3. On March 23, 2005 the Commission issued its *Order Directing Filing* directing the Staff of the Missouri Public Service Commission ("Commission Staff") to file a status update to the Commission. The Commission Staff has filed weekly updates from March 25, 2005 through September 16, 2005
- 4. On April 1, 2005, the Commission Staff filed a Notice of Unanimous

  Supplemental Agreement Regarding Disposition of Small Company Rate Increase Request and its Recommendations for Approval of Tariff Revisions.

- 5. On April 1, the Commission issued its *Order Further Suspending Tariff and Setting Prehearing Conference*. This Order further suspended the tariff to October 12, 2005.
- 6. On September 9, 2005, the Commission Staff filed its Supplemental Recommendation for Approval of Tariff Revisions.
- 7. On September 15, 2005 the Commission discussed the Company's rate increase request in its Agenda meeting and asked Company's attorneys to notify the Commission if Company would be willing to agree to having a financial receiver appointed.
- 8. Company states that it is willing to agree to a financial receivership subject to its review of and agreement to the terms and conditions of said receivership and an acceptable resolution of pending matters with or on behalf of the Missouri Department of Natural Resources and the Missouri Attorney General.

WHEREFORE the Company respectfully submits this *Response to the Commission's*Request for Acceptance of a Financial Receiver for the Commission's information.

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## **CERTIFICATE OF SERVICE**

Pursuant to 4 CSR 240-2.080 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this 19th day of September, 2005 caused a copy of the foregoing to be served on all persons on the official service list in Case No. SR-2005-0116.

Lisa C. Langeneckert