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FILED²

APR 27 2000

Missouri Public
Service Commission

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April 27, 2000

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RECEIVED²

APR 27 2000

Records
Public Service Commission

RE: Warren County Water and Sewer Company
File No. 200000892

ST-2000-694

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and fourteen copies of the Office of the Public Counsel and Commission Staff's **Joint Motion to Suspend Tariff**. Please "file" stamp the extra enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

Shannon E. Cook
Assistant Public Counsel

Enclosure

cc: Parties of Record

FILED³

APR 27 2000

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of Warren County Water and)
Sewer Company's Tariff Designed to Increase)
Connection Fees for Sewer Service.)

Case No. ST-2000-694
File No. 200000892

JOINT MOTION TO SUSPEND TARIFF

COME NOW the Office of the Public Counsel (Public Counsel), and the Staff (Staff) of the Missouri Public Service Commission (PSC), and for their Joint Motion to Suspend Tariff herein, state the following:

1. On March 31, 2000, Warren County Water and Sewer Company (WCWS) submitted proposed tariff sheets, which, if approved, would result in an increase in the connection fee for new sewer service connections from \$150 to \$550.
2. The new tariff, if approved, would require customers needing new service connections to pay for WCWS to "bore under said street if at all feasible." (See tariff language under the heading "Service Connections.")
3. The effective date of the tariff is April 30, 2000.
4. On this date, Public Counsel has discovered photographic evidence which leads it to conclude that WCWS' continuous failures in the past to properly back-fill its road trenches may have created the need for the change to the alternative, more expensive road boring method.
5. Attached are photographs submitted to Public Counsel by a WCWS customer. To conserve scarce financial resources, Public Counsel is submitting black-and-white copies of these pictures with this filing. For the color version, please refer to the attachments to the Joint Motion filed simultaneously in the companion water case,

File No. 200000891. These pictures, taken during the summer of 1999, purport to represent examples of WCWS' improperly back-filled road trenching and "repair" work.

6. Further, it is Public Counsel's understanding from the Board of Trustees of Incline Village that the damage caused by WCWS to the streets has been an ongoing concern for the Board, and the subject of a September 19, 1999 amendment to its Indentures and Construction Guidelines requiring a utility or other company to put up a \$5,000 "performance bond" in order to trench across a street. This bond was intended to ensure that the streets were properly repaired after trenching work was completed.

7. The Incline Village Board of Trustees has indicated to Public Counsel that WCWS, after receiving actual notice of the ordinance, has continued to trench across the village's streets without posting a performance bond, and without using proper refill procedures, resulting in even further damages.

8. Public Counsel suspects that the new tariff language proposed by WCWS is, in effect, an attempt by the Company to shift a burden created by its own shoddy construction practices onto its ratepayers. The more expensive road boring method could reduce the damage to Incline Village's streets, if it were performed correctly, but would not be necessary if WCWS were currently refilling its trenches in a proper and conscientious manner.

9. Public Counsel does not believe that WCWS' sewer service customers should be required to pay more than three times the current connection fee as a direct result of WCWS' negligence.

10. **Public Counsel and Staff believe that further investigation into this matter is essential and that the Commission should suspend the tariff herein described in order to provide more time for such investigation.**

11. Additionally, Public Counsel believes that the tariff submitted by WCWS violates the prohibitions in §393.270 RSMo (1994) and State ex rel. Utility Consumer Counsel of Missouri, Inc. v. Public Service Commission, 585 S.W.2d 41 (Mo. banc 1979) against single issue ratemaking, as this tariff, if approved, would change a charge to the ratepayers without considering all the relevant factors.

WHEREFORE, for the reasons set forth herein, Public Counsel and Staff jointly request that the Commission issue its Order suspending the tariff and setting a procedural schedule, and for such other and further relief as the Commission deems appropriate under the circumstances.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

DANA K. JOYCE
General Counsel



Shannon E. Cook #50169
Assistant Public Counsel

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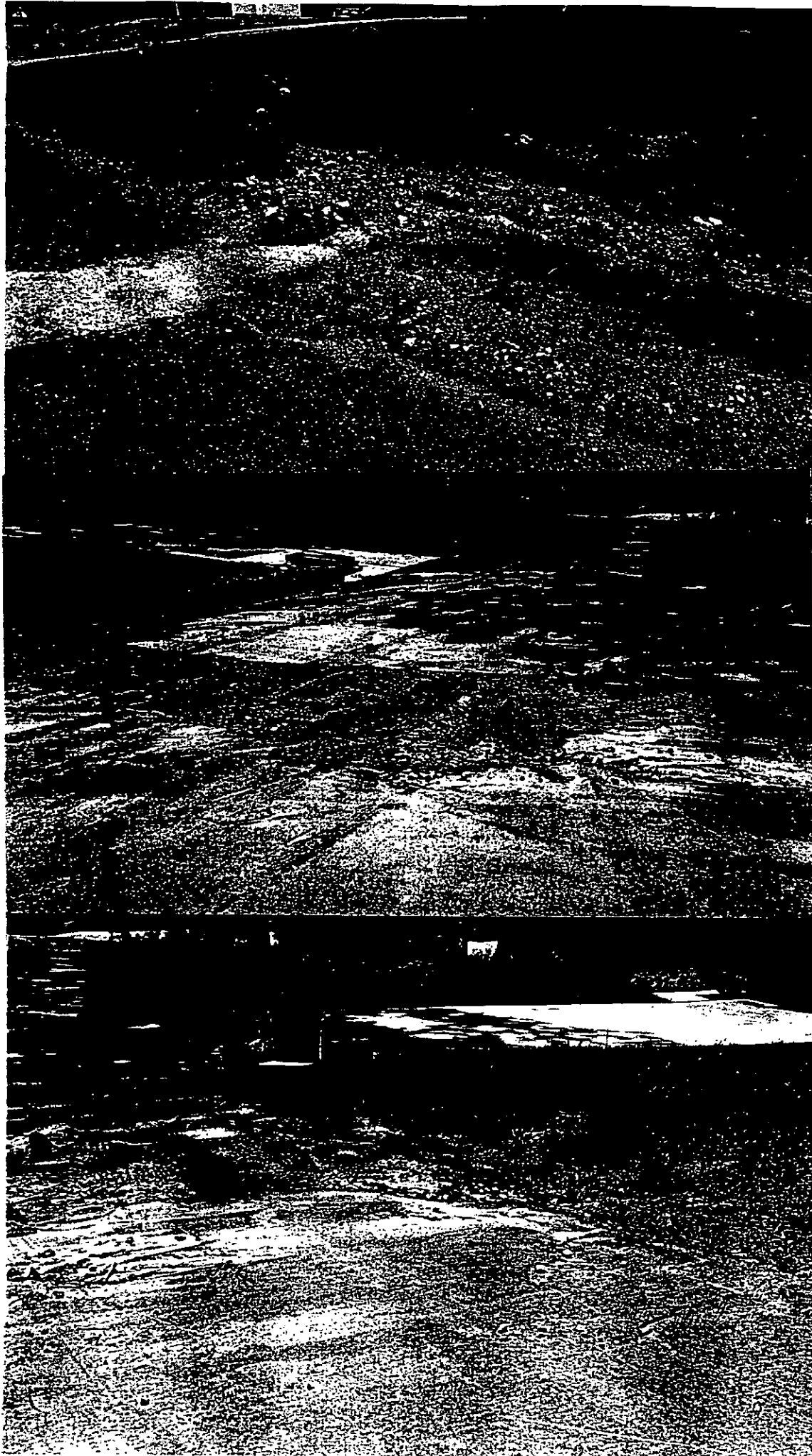
CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing document have been faxed to all parties of record as shown on the attached service list this date, April 27, 2000.

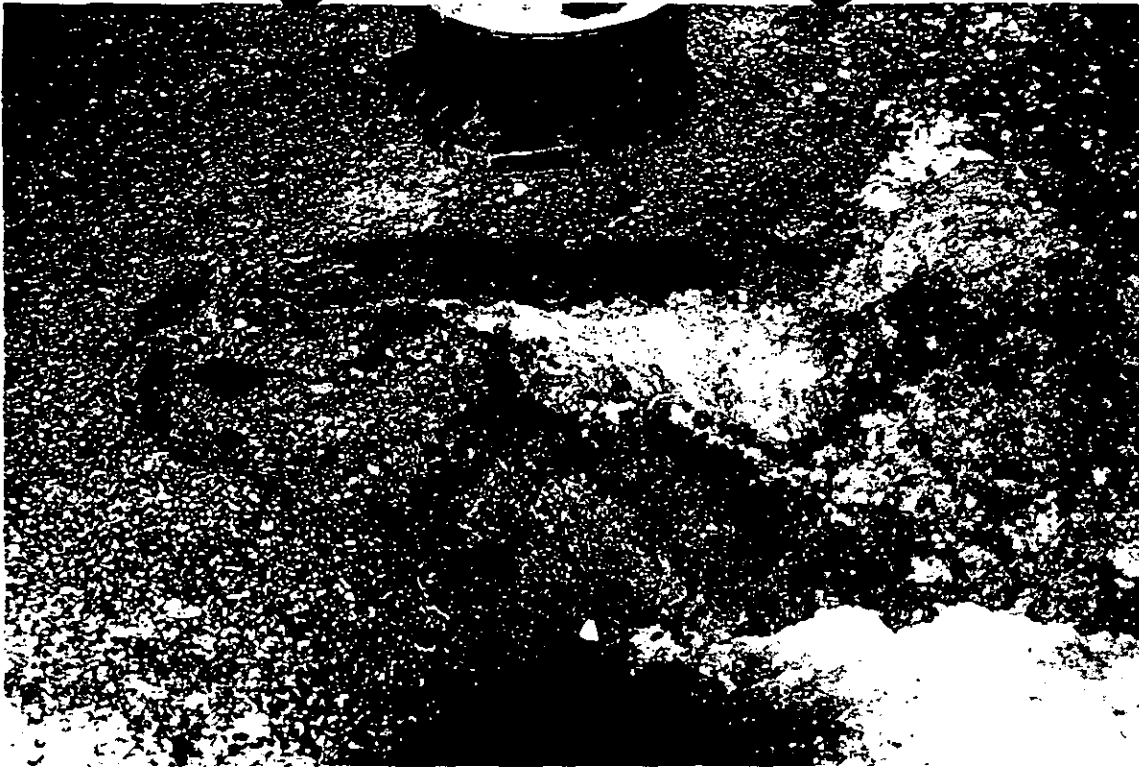
Shannon E. Code

Service List for
Case No.
File No. 200000892

Gary L. Smith
Warren County Water and Sewer Company
1248 Mimosa
Foristell, MO 63348



**ROAD TRENCHES
PERFORMED BY
WCWS**



ROAD CAVE-IN
AFTER TRENCHING
BY WCWS