

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

In the Matter of the Request of LW Sewer)
Corporation for a Rate Increase Pursuant to) **Case No. SR-2005-0338**
the Commission's Small Company Rate)
Increase Procedure)

STAFF'S MOTION TO SUSPEND TARIFF

COMES NOW the Staff of the Missouri Public Service Commission and, for its Motion to Suspend Tariff, states to the Missouri Public Service Commission as follows:

1. On May 3, 2004, LW Sewer Corporation ("Company") initiated a small company rate increase request, pursuant to the provisions of Rule 4 CSR 240-3.330, by submitting a letter to the Secretary of the Commission. Consistent with the Small Company Rate Increase Procedure, the Staff, the Company and the Office of the Public Counsel negotiated and executed an *Agreement Regarding Disposition of Small Company Rate Increase Request*. On March 30, 2005, the Company filed proposed tariff revisions with the Commission for the purpose of implementing the provisions of the above-referenced Disposition Agreement, and the instant case was established. The tariff sheets bear an effective date of May 1, 2005. On April 12, 2005, the Staff filed the said Disposition Agreement in the case papers for this case. The Commission ordered the Staff to file its Recommendation regarding the requested rate increase request by no later than April 20, 2005.

2. The Staff has completed its investigation of the Company's rate increase request. In doing so, however, the Staff determined that the Company's 2004 Annual Report, which was due on April 15, 2005, has not yet been received by the Commission. The Company has informed the Staff that the 2004 Annual Report was mailed on the evening of April 14. The reason why this report has not been received is not yet known.

3. Rule 4 CSR 240-3.330 (1) (A) includes a requirement that the small company's letter requesting a rate increase should include a statement that the company's current annual report is on file with the Commission. The Staff expects the Company to provide the required report within a few days.

4. The Staff recommends that the pending tariff be suspended for 30 days, to become effective May 31, 2005, in order to allow time for the Company to complete and file its 2004 Annual Report.

WHEREFORE, the Staff recommends that the Commission suspend the pending tariff for 30 days, so that the tariff will bear a new effective date of May 31, 2005.

Respectfully Submitted,

DANA K. JOYCE
General Counsel

/s/ Keith R. Krueger

Keith R. Krueger
Deputy General Counsel
Missouri Bar No. 23857

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4140 (telephone)
(573) 751-9285 (facsimile)
keith.krueger@psc.mo.gov (e-mail)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 20th day of April 2005.

/s/ Keith R. Krueger