

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

The Staff of the Missouri Public Service Commission, Complainant,)	
)	
)	
)	
v.)	Case Nos. WC-2007-0452
)	WO-2007-0444
Suburban Water and Sewer Company, and Gordon Burnam, Respondents.)	WC-2008-0030
)	

**MOTION FOR NONUNANIMOUS STIPULATION AND AGREEMENT
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Respondent Suburban Water and Sewer Co. ("Respondent"), by and through undersigned counsel, and for its Motion for Nonunanimous Stipulation and Agreement and Motion for Expedited Treatment, states as follows:

Posture and Pending Cases

1. Respondent is a party to the three above-captioned cases involving the Missouri Public Service Commission ("Commission"). Two of those cases have been consolidated, but the other case remains separate. This motion is being filed contemporaneously in all of those cases for expediency only.

2. Respondent is subject to several pending cases brought by the Commission and several of its instrumentalities, which are described in greater detail below, and, in order to avoid the additional and unnecessary distraction, time, and expense attendant to litigating said cases, Respondent desires to propose a nonunanimous stipulation and agreement pursuant to Commission Rule 2.115. See 4 CSR 240-2.115(2). This motion and all attachments constitute a settlement offer.

3. On or about May 21, 2007, the Office of the Public Counsel ("Public Counsel") filed its Application to Open a Case for Investigation and Request for Local Public Hearing before the Commission regarding Respondent in Case No. WO-2007-0444 ("OPC Case").

4. On or about May 29, 2007, the Staff ("Staff") of the Commission filed a complaint before the Commission against Respondent and Gordon Burnam ("Burnam") in Case No. WC-2007-0452 ("PSC Complaint Case").

5. On or about June 5, 2007, the OPC Case and the PSC Complaint Case were consolidated by the Commission.

6. On or about June 7, 2007, the Commission filed its Petition for Preliminary and Permanent Injunction in the Boone County Circuit Court against Respondent and Burnam in Case No. 07BA-CV02632 ("PSC Injunction Case").

7. On or about July 10, 2007, the Staff filed a motion before the Commission in the PSC Complaint Case, in which it requested authorization to conduct an investigation and file a report detailing proposed work to be done by Respondent. Prior to any ruling on said motion, Respondent cooperated and voluntarily permitted an inspection. On or about July 24, 2007, the Staff filed a report outlining its recommendations based on said inspection ("Prior Report").

8. On or about July 27, 2007, the Staff filed its complaint before the Commission against Respondent and Burnam in Case No. WC-2008-0030 ("PSC Investigation Case").

9. On or about August 28, 2007, after a hearing on July 26-27, 2007, the Commission entered a Report and Order in the OPC Case and the PSC Complaint Case, with an effective date of September 7, 2007 ("PSC Complaint Order").

10. The PSC Injunction Case and the PSC Investigation Case remain pending.

Background

11. All of the foregoing cases (collectively, "PSC Cases") are the direct result of a notice of dissolution sent by Respondent to its customers in late March 2007.

12. After sending said notice, several times during initial discussions with the general counsel ("General Counsel") for the Commission, Burnam offered to turn over Respondent and all of its assets and operations to a receiver satisfactory to the General Counsel, Staff, and Commission, for no compensation or other consideration.

13. Before the hearing in the OPC Case and the PSC Complaint Case, Respondent offered to settle both those cases and the PSC Injunction Case pursuant to a stipulation and agreement.

14. Respondent also believes that a potential solution to its (or any receivers') lack of liquidity may be to apply for a loan pursuant to the Commission's Small Private Water and Sewer Company Revolving Loan Fund Program, if available.

15. Respondent continues to believe that a receivership and settlement of the Cases would be in the best interests of it and all of its utility customers.

Motion for Nonunanimous Stipulation and Agreement

16. Respondent incorporates by reference all of the foregoing allegations and statements in paragraphs 1-15 above.

17. Respondent hereby proposes the stipulation and agreement attached as Exhibit A hereto, and incorporated by reference herein, which has not been approved by the OPC, the Staff, or the Commission, but which it believes will effect a fair and full settlement and resolution of the Cases.

18. Among other things, said attached stipulation and agreement provides for:

a. Respondent would notify all of its customers that it will continue to provide safe and adequate water service and will be making various improvements to the system.

b. Respondent would agree to complete the matters complained of in the PSC Complaint Case as well as the matters outlined in the Prior Report by specified deadlines.

c. After the foregoing actions were completed, the Commission would appoint a receiver and Respondent would consent to such action, for no compensation or other consideration whatsoever.

d. Respondent would also reasonably cooperate in the application for a small water company loan, if necessary, to provide funds to rehabilitate or replace the standpipe.

e. In exchange for the foregoing, the PSC Cases would be dismissed, with prejudice, against both Respondent and Burnam.

19. Respondent has already commenced some of the work outlined in the attached stipulation and agreement.

WHEREFORE, Respondent respectfully requests the Commission approve the attached stipulation and agreement and for such other and further relief as the Commission deems just and proper in the circumstances.

Motion for Expedited Treatment

20. Respondent incorporates by reference all of the foregoing allegations and statements in paragraphs 1-19 above.

21. Under Commission Rule 2.115(2)(B), the other parties normally have seven (7) days in which to object to the attached stipulation and agreement; however, the PSC Complaint Order becomes effective on September 7, 2007, and motions to dismiss, notices of satisfaction, and answers are due in the PSC Investigation Case on September 6, 2007.

22. In order to facilitate a quick and full settlement and resolution of the Cases and save the parties additional and unnecessary distraction, time, and expense, Respondent believes expedited treatment is appropriate and requests the Commission to do the following:

a. Shorten the applicable time for objection to the attached stipulation and agreement such that it expires at 1:00 p.m. on Tuesday, September 4, 2007 and, in the absence of any timely objections, to consider all such objections as waived and treat the attached stipulation and agreement as an unanimous stipulation and agreement.

b. Set an expedited hearing, if there are any such objections or if the Commission deems it to be necessary, in its discretion, on this matter by Thursday, September 6, 2007.

23. Expedited treatment will also avoid harm to Respondent's customers by facilitating and expediting certain of the work outlined in the attached stipulation and agreement and the transfer of Respondent's system to a receiver.

24. This motion was filed as soon as practicable.

WHEREFORE, Respondent moves for expedited treatment pursuant to Commission Rule 2.080(16). See 4 CSR 240-2.080(16).

/s/ Matthew S. Volkert
Matthew S. Volkert, MO Bar Number 50631
Thomas M. Harrison, MO Bar Number 36617
Van Matre Harrison, and Volkert, P.C.

