

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of Capital Utilities,     )  
Inc.'s request for increased rates     )  
for sewer service pursuant to the     )  
Commission's informal rate procedure. )     CASE NO. SR-95-39

DISSENTING OPINION OF COMMISSIONER HAROLD CRUMPTON

On October 14, 1994, my distinguished colleagues approved Capital Utilities, Inc.'s (Company) request for increased rates in tariff filing/small company rate proceeding SR-95-39. I respectfully dissent in this matter for the following reasons:

- (A) The absence of a "Stipulation and Agreement".
- (B) The failure of the Office of Public Counsel (OPC) to either perform an audit or an investigation of the Company's books and records.
- (C) The nature of the customer opposition to the proposed rate increase.

My colleagues and I were led to believe that we would receive a "Stipulation and Agreement" agreed to and signed by the parties that fully addressed the service, health and quality concerns in this case. Customers of the Company were quite vocal in describing their health and safety concerns in addition to the rate increase. In my 18 months of service on this Commission, I have never seen eleven irate witnesses show up at a public hearing. This in and of itself should have caused OPC to change its priorities in order that the public trust be increased. To say that the workload was too heavy or resources were too limited is not an acceptable response in particular considering the concerns which OPC gave voice to. However, since OPC did not act, the Commission should have suspended this tariff and ordered an investigation.

Respectfully submitted,

  
Harold Crumpton, Commissioner

Dated at Jefferson City, Missouri  
on this 18th day of October, 1994.