

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

In the Matter of the Small Company Rate Increase) for Port Perry Service Company (Sewer))	Case No. SR-2009-0298
)	
In the Matter of the Small Company Rate Increase) for Port Perry Service Company (Water))	Case No. WR-2009-0299

**NOTICE OF APPLICANT’S WITHDRAWAL
OF RATE INCREASE REQUEST AND STAFF’S VERIFIED STATEMENTS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), through the undersigned counsel, and files this *Notice* of Port Perry Service Company’s (“Port Perry” or “Company”) withdrawal of the Company’s February 17, 2009 water and sewer service *Rate Increase Request Letter*. For this *Notice*, the Staff respectfully states to the Missouri Public Service Commission (“Commission”) the following:

1. On August 14, 2009, Port Perry sent a letter to Staff advising that the Company no longer wished to pursue an increase and was withdrawing its request for a rate increase in the above-stated causes.
2. Pursuant to the Commission’s small utility rate case procedure, 4 CSR 240-3.050 (23), “[i]f at any time after a case is opened the utility and the staff agree that an increase in the utility’s annual operating revenues is not necessary, or if the utility advises the staff that it no longer wishes to pursue an increase, the staff shall file a verified statement to that effect in the case file, whereupon the regulatory law judge *shall issue a notice closing the case.*” (emphasis added).
3. Attached hereto are Staff’s verified statements in the form of affidavits, affirming Staff’s knowledge of the Company’s withdrawal of the requests for rate increases.

WHEREFORE, the Staff files this *Notice* and requests the regulatory law judge to issue a notice closing the above-stated causes.

Respectfully submitted,

/s/ Jennifer Hernandez
Jennifer Hernandez
Legal Counsel
Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Mike Yamnitz, President of Port Perry Service Company, via electronic mail at beth@ahreal.com; and The Office of Public Counsel of the State of Missouri, via electronic mail at opcservice@ded.mo.gov this 17th day of August, 2009.

/s/ Jennifer Hernandez

Beth Yamnitz at American Homes Realty, Inc.

From: "Beth Yamnitz at American Homes Realty, Inc." <beth@ahreal.com>
To: <jimrusso@psc.mo.gov>
Sent: Friday, August 14, 2009 1:32 PM
Subject: SR 2009-0298; WR 2009-0299

Jim Russo

At this time Port Perry Service Company would like to withdraw Rate Case SR- 2009-0298 and WR 2009-0299 from consideration for rate increase.

Port Perry Service is in the process of reorganizing it's company and will possibly reapply at a later date. We thank you and your staff involved in this case for your cooperation.

We look forward to working with you in the future and thank you for the input that was received on how to operate our company more efficiently.

Sincerely,

Mike Yamnitz
President
Port Perry Service Co.


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

In the Matter of the Small Company Rate)
Increase for Port Perry Service Company) Case No. WR-2009-0299
(Water))

AFFIDAVIT OF JAMES BUSCH

STATE OF MISSOURI)
) **ss**
COUNTY OF COLE)

JAMES BUSCH, Manager—Water and Sewer Department of the Missouri Public Service Commission, being of lawful age, on oath states: pursuant to 4 CSR 240-3.050 (23) Small Rate Case Procedure, if at any time after a case is opened the utility and the staff agree that an increase in the utility’s annual operating revenues is not necessary, or if the utility advises the staff that it no longer wishes to pursue an increase, the staff shall file a verified statement to that effect in the case file, whereupon the regulatory law judge shall issue a notice closing the case; that on August 17, 2009, Port Perry Service Company sent Staff a request for withdrawal of the Company’s February 17, 2009 Water Service Rate Increase Request; through the August 17, 2009 letter of withdrawal, Port Perry Service Company advised Staff that it no longer wishes to pursue its Water Service Rate Increase Request; that this affidavit serves as a verified statement made by Staff in WR-2009-0299, that Port Perry Service Company no longer wishes to pursue an increase; and that such matters are true and correct to the best of my knowledge, information and belief.



JAMES BUSCH

Subscribed and sworn to before me this 17th day of August 2009.



Notary Public

My commission expires 6/16/13

DAWN L. HAKE
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: June 16, 2013
Commission Number: 09407643