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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 23rd
day of March, 2000.

Margaret E. Barker,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2000-478</u>
)	
St. Louis County Water Co.,)	
)	
Respondent.)	
)	
Lorraine Keeven,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2000-479</u>
)	
St. Louis County Water Co.,)	
)	
Respondent.)	
)	
John Freiburger,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2000-480</u>
)	
St. Louis County Water Co.,)	
)	
Respondent.)	

(Consolidated)

ORDER CONSOLIDATING CASES
AND DIRECTING FILING

In each of these cases, the Complainants, as set forth in the captions above, filed a complaint with the Missouri Public Service

Commission (Commission) against St. Louis County Water Co. (Respondent), regarding the charges for the installation of a water main in Florissant, Missouri. Specifically, the Complainants contested the contribution formula in Respondent's tariff which is used in determining charges to individual users of a water main extension (main extension rule). The Complainants stated that residents who refuse to pay and hook on to an extension of a water main now, can later hook on for a lower cost than they would have had to pay initially.

On February 8, 2000, the Commission issued its Notice of Complaint, giving Respondent thirty (30) days in which to either request mediation or file its answer in response to the Complaint.

On March 8, 2000, the Respondent filed its answer in response to the complaint. Respondent admits some and denies some of the allegations. Respondent states that for further "answer¹," that the contribution formula in dispute was a "pass-through" vehicle to spread main extension costs over those parties benefited through a predictable, consistent, workable and theoretically equitable device; that the Respondent was and is indifferent to the mechanism chosen to provide for contribution to an original developer by those benefiting from the investment by that developer; that it would be unlawful for Respondent to waive its main extension rule; that the only recourse for the Complainant is to request the Commission to change the rule; that all factors were reviewed in first drawing up the main extension rule; and that Complainants were

1 The "answers" contained in Respondent's Answer in paragraphs 5 through 10 are actually defenses or explanations of company policy.

asking Respondent to do something unlawful and something that was vehemently opposed by other parties in the area. The Complainant also moved that all the complaints be dismissed.

All three of these cases involve complainants similarly situated, the same Respondent and the same issue: Do the Complainants have any relief from the exercise of the main extension rule in Respondent's tariff in a complaint case before the Commission? Thus, the Commission will consolidate these cases for all purposes, with WC-2000-478 being the lead case.

Commission Rule 4 CSR 240-2.080(12) states: "Parties shall be allowed ten (10) days from the date of filing in which to respond to any motion or other pleading unless otherwise ordered by the commission." The Commission, however, will allow the Complainants ten (10) days from the date of this order, rather than the date the Respondent filed its answer, to file, if they or any of them so desire, a response to Respondent's answer to the complaint, especially that part of the answer requesting dismissal of the case.

The Commission will also order the Staff of the Commission (Staff) to file a memorandum evaluating this case. Staff shall review Respondent's tariff to determine and report whether the main extension rule is authorized in situations as those set forth by the Complainants. Specifically, the Staff shall answer the question: Do the Complainants have the right to any relief from the exercise of the main extension rule in Respondent's tariff in a complaint case before the Commission?

Staff shall file a memorandum under a pleading detailing its findings, conclusion and recommendation, also specifically including the answer to the question as set forth above. Complainants and Respondent shall have an opportunity to respond to the Staff findings, conclusion and recommendation.

IT IS THEREFORE ORDERED:

1. That WC-2000-478, WC-2000-479, and WC-2000-480 are consolidated for all purposes, with WC-2000-478 being the lead case.

2. That the Complainants shall be given until 3:00 p.m. on April 3, 2000 to file, if they or any of them so desire, a response to Respondent's answer to the complaint, especially that part of the answer requesting dismissal of the case.

3. That the Staff of the Missouri Public Service Commission shall file, no later than 3:00 p.m. on April 24, 2000, its memorandum as set forth above.

4. That this order shall become effective on April 4, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Hopkins, Senior Regulatory Law Judge