

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

In the Matter of RDE Water Company's,	)	
Tariff Designed to Increase Rates	)	
for Water Service Pursuant to the	)	<u>Case No. WR-2000-416</u>
Commission's Informal Rate Procedure	)	

**ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT**

Pursuant to the informal rate procedure of the Missouri Public Service Commission (Commission), RDE Water Company (RDE) filed a proposed tariff on January 12, 2000, designed to increase the total annual revenue for water service by \$6185, with the tariff to go into effect on March 1, 2000.

On February 14, 2000, Familia Limited Partnership d/b/a English Village Mobile Home Community (English Village) filed its application to intervene and its motion to suspend the tariff.

On February 18, 2000, the Staff of the Commission (Staff) filed its recommendation. Staff recommended that the Commission approve the tariff filed on January 10, 2000, by RDE for service rendered on and after March 1, 2000.

On February 22, 2000, English Village filed an "amendment" to its application to intervene and motion to suspend. In the pleading, which is actually a supplement rather than an amendment, English Village stated that its second pleading sought to clarify the issues in which it is

interested so that RDE is not unfairly or unnecessarily affected by a suspension of tariffs.

On February 29, 2000, the Commission entered its order granting English Village intervention, ordering the parties to file a proposed procedural schedule no later than March 20, 2000, and ordering all proposed tariff sheets submitted on January 12, 2000, by RDE be suspended until June 29, 2000.

On March 20, 2000, Staff filed a joint proposed procedural schedule which stated that all the parties had agreed to the suggested dates. On March 22, 2000, the Commission issued its order establishing a procedural schedule and on March 23, 2000, issued its notice rescheduling the prehearing conference date to March 28, 2000, upon which date the prehearing conference was held.

On March 24, 2000, the parties filed their unanimous stipulation and agreement (agreement), proposing, *inter alia*, that the Commission lift its suspension of the non-disputed tariff sheets contained in RDE's tariff filing of January 12, 2000, but that the Commission maintain the suspension of those tariff sheets containing provisions to which English Village had objected. On March 29, 2000, the Commission entered its order directing filing which directed the parties to file suggestions in support of the agreement that specifically addressed the question of the Commission's authority to approve parts of a tariff filing and suspend other parts of the same tariff filing.

On April 5, 2000, all the parties filed their amendment to the agreement. The parties stated that they had agreed to the following:

- (A) Additional time is needed to more fully evaluate the physical layout of the piping system within English Village's mobile home community so as to provide better information regarding potential solutions to the issues (system evaluation);
- (B) The system evaluation will focus on determining the number and location of shut-off valves that would need to be installed to protect the integrity of RDE's overall system and the potential cost of installing such valves;
- (C) Additional discussions regarding whether RDE or English Village should be responsible for the cost of installing the necessary shut-off valves will take place during the system evaluation;
- (D) The revised tariff sheets containing the provisions that are in dispute should be removed from consideration pending the system evaluation;
- (E) The overall resolution should not be held in abeyance pending the system evaluation;
- (F) The Commission should reject RDE's January 12, 2000, tariff filing in its entirety and at the same time authorize RDE to file revised tariff sheets consistent with the parties' original stipulation and agreement and the amended stipulation and agreement;

- (G) The Commission should authorize RDE to make such tariff filing on less than thirty (30) days' notice, with the tariff bearing an effective date of May 1, 2000;
- (H) The Commission should issue its order on an expedited basis;
- (I) The recommendations urged by the parties are made without prejudice to RDE filing future tariff revisions in which provisions pertaining to the resolution of the issues originally in dispute will be proposed; and
- (J) The parties agree that the terms of the original stipulation and agreement and of the amended stipulation and agreement, when taken into consideration in conjunction, obviate the need for the remaining portions of the procedural schedule and for the filing of suggestions in support of the original stipulation and agreement.

The parties thus requested an order that:

1. Approves the terms of the parties' original stipulation and agreement as amended by the amended stipulation and agreement;
2. Rejects RDE's January 12, 2000, tariff filing in its entirety;
3. Authorizes RDE to file tariff sheets in compliance with the original stipulation and agreement as amended by the

amended stipulation and agreement and also in compliance with this order;

4. Authorizes RDE to make the necessary tariff filing on less than thirty (30) days' notice, with the revised tariff sheets bearing an effective date of May 1, 2000;
5. Cancels the remaining portions of the procedural schedule;
6. Rescinds the requirement for the parties to file suggestions in support of the original stipulation and agreement;
7. Recognizing that RDE will likely file future proposed tariff revisions directed toward resolution of the issues originally in dispute in this case; and
8. Grants such further relief as the Commission finds reasonable and just.

Other than paragraphs 4, 7 and 8 immediately above, the Commission will approve the original stipulation and agreement filed by the parties, as amended by the amended stipulation and agreement. Paragraph 7 is merely hypothetical, and no other relief is necessary as contemplated by paragraph 8. The Commission will not authorize RDE to file tariffs with an effective date less than thirty (30) days after the issue date, as requested in paragraph 4. However, the Commission will endeavor to issue its order on an expedited basis if it finds good cause to approve the tariffs on less than thirty (30) days' notice, pursuant to Section 393.140(11), RSMo 1994.

There is no need for a hearing since no party requested a hearing. The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no party requests a hearing, the Commission may determine that a hearing is not necessary and that the Commission may make a decision based on the original stipulation and agreement filed by the parties, as amended by the amended stipulation and agreement. See State ex rel. Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

The Commission concludes that all issues were settled by the original stipulation and agreement filed by the parties, as amended by the amended stipulation and agreement. The Commission has the legal authority to accept a stipulation and agreement as offered by the parties as a resolution of issues raised in a case, pursuant to Section 536.060, RSMo Supp. 1999.

**IT IS THEREFORE ORDERED:**

1. That, except for paragraphs numbered 7 and 8 on page 4 of the amendment to the unanimous stipulation and agreement, the Missouri Public Service Commission approves the stipulation and agreement filed on March 24, 2000, by RDE Water Company, Familia Limited Partnership d/b/a English Village Mobile Community, the Staff of the Missouri Public Service Commission, and the Office of the Public Counsel, as amended by the amendment to the unanimous stipulation and agreement filed on April 5, 2000, by the same parties, and whose terms are set forth in Attachment A.

2. That this order shall become effective on April 21, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
4 CSR 240-2.120(1), (November 30, 1995)  
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 11th day of April, 2000.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

APR 05 2000

Missouri Public  
Service Commission

In the Matter of RDE Water Company's )  
Tariff Designed to Increase Rates for Water )  
Service Pursuant to the Commission's )  
Informal Rate Procedure )

Case No. WR-2000-416

**AMENDMENT TO UNANIMOUS STIPULATION AND AGREEMENT**

COMES NOW the RDE Water Company ("Company"), the Staff of the Missouri Public Service Commission ("Staff"), the English Village Mobile Home Community ("English Village") and the Office of the Public Counsel ("OPC"), all of whom are collectively referred to herein as the "Parties", and for their *Amendment to Unanimous Stipulation and Agreement* ("Amendment") state to the Missouri Public Service Commission ("Commission") the following:

1. On January 12, 2000, the Company submitted revised tariff sheets pursuant to an agreement with the Staff that was reached under the provisions of the Commission's Small Company Rate Increase Procedure (4 CSR 240-2.200). That tariff filing resulted in the creation of the instant docket. The subject revised tariff sheets included provisions for an increase in the Company's customer rates, general updates and reformatting, as well as new provisions pertaining to the installation of system isolation valves and the establishment of a system tampering charge. The revised tariff sheets bore a proposed effective date of March 1, 2000.

2. On February 29, 2000, the Commission issued an *Order Granting Intervention, Directing Filing of Procedural Schedule and Granting Motion to Suspend Tariff* ("Order") in this case, with that Order having an effective date of March 10, 2000. As a part of that Order, the Commission suspended all of the revised tariff sheets that the Company had submitted on



January 12, 2000. The suspension was for a period of 120 days from March 1, 2000 until June 29, 2000. In that Order, the Commission also granted intervention in the case to English Village.

3. On March 22, 2000, the Commission issued its *Order Establishing Procedural Schedule*, which included dates for a Prehearing Conference, for the filing of direct, rebuttal and surrebuttal testimony and for an evidentiary hearing.

4. On March 24, 2000, the Parties filed a *Unanimous Stipulation and Agreement* ("Stipulation") in this case. In that Stipulation, the Parties proposed that the Commission lift its suspension of the non-disputed tariff sheets contained in the Company's January 12th filing (the vast majority of the sheets in the filing), but that it maintain the suspension of those tariff sheets containing provisions to which English Village had objected (three sheets). On March 29, 2000, the Commission issued its *Order Directing Filing* pertaining to the Stipulation, in which the Parties were directed to file suggestions in support of the Stipulation on or before April 10, 2000.

5. On March 28, 2000, the Parties, with the exception of the OPC, met for a Prehearing Conference (Prehearing), as previously scheduled by the Commission, and discussed the possibility of settling the disputed issues in this case, so that the Commission could dispose of the entire instant case. During the Prehearing, the participants reached the following agreements regarding the disputed issues and the case:

A. Additional time is needed to more fully evaluate the physical layout of the piping system within English Village's mobile home community, so as to provide better information regarding potential solutions to the issues at hand;

B. The referenced system evaluation will focus on determining the number and location of shut-off valves that would need to be installed to protect the integrity of the Company's overall system and the potential cost of installing such valves;

C. Additional discussions regarding whether the Company or English Village should be responsible for the cost of installing the necessary shut-off valves will take place during the course of the referenced system evaluation;

D. The revised tariff sheets containing the provisions that are in dispute should be removed from consideration while the above-referenced actions take place; and

E. The overall resolution of the instant case should not be held in abeyance pending the above-referenced actions being taken.

6. As a result of the agreements reached between the participants at the Prehearing, as set out in the preceding paragraph, the Parties to this case have now reached the following additional agreements:

A. The Commission should reject the Company's January 12th tariff filing in its entirety and at the same time authorize the Company to file revised tariff sheets consistent with the Parties' original Stipulation and this Amendment. (This would result in a tariff filing essentially identical to the January 12th filing, with the exception being that the disputed provisions contained in Original Sheet Nos. 4B and 12A and in 2nd Revised Sheet No. 18 would be removed from the tariff sheets in the "new" filing.);

B. The Commission should authorize the Company to make the tariff filing referenced above on less than 30 days notice, with the tariff sheets to be filed bearing an effective date of May 1, 2000;

C. The Commission should issue its order regarding this matter on an expedited basis; and

D. The recommendations contained in this paragraph are made without prejudice to the Company filing future tariff revisions in which provisions pertaining to the resolution of the issues originally in dispute in this case will be proposed.

7. Lastly, the Parties agree that the terms of the original Stipulation and of this Amendment, when taken into consideration in conjunction with one another, obviate the need for the remaining portions of the procedural schedule and for the filing of suggestions in support of the original Stipulation.

**WHEREFORE**, the Parties respectfully request that the Commission expeditiously issue an order that:

- (1) Approves the terms of the Parties' original Stipulation and of this Amendment;
- (2) Rejects the Company's January 12, 2000 tariff filing in its entirety;
- (3) Authorizes the Company to file tariff sheets in compliance with the terms of the original Stipulation, this Amendment and the Commission's order;
- (4) Authorizes the Company to make the necessary tariff filing on less than 30 days notice, with the revised tariff sheets bearing an effective date of May 1, 2000;
- (5) Cancels the remaining portions of the procedural schedule for this case;
- (6) Rescinds the requirement for the Parties to file suggestions in support of the original Stipulation;
- (7) Recognizes that the Company will likely file future proposed tariff revisions directed toward resolution of the issues originally in dispute in this case; and
- (8) Grants such further relief as the Commission finds reasonable and just.

Respectfully Submitted:

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### Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 5th day of April 2000.

Cliff Snodgrass  
Cliff Snodgrass

Service List for  
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April 5, 2000

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