

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 28th
day of March, 1989.

In the matter of Southwest Village Water)
Company of Springfield, Missouri, for)
authority to file tariffs increasing rates)
for water service provided to customers in)
the Missouri service area of the Company.)
)

Case No. WR-89-125

Staff of the Missouri Public Service)
Commission,)
)
Complainant.)
)

v.)

Case No. WC-89-138

Southwest Village Water Company,)
)
Respondent.)
)

ORDER

On March 16, 1989, the Office of the Public Counsel (Public Counsel) moved that the rate increase proposed by Southwest Village Water Company (Company) be dismissed. Public Counsel noted that Company had failed to prefile its testimony in support of the proposed rate increase on March 6, 1989, as directed by the Commission in its Suspension Order issued February 3, 1989. On March 21, 1989, the Commission's Staff (Staff) filed a response in support of the motion of Public Counsel.

By pleading filed March 22, 1989, Company stated that its rate case should not be dismissed because it filed an affidavit in support of the proposed rate increase with its response of March 22.

On March 24, 1989, the Staff filed its own motion to dismiss noting Company's failure to appear at the local public hearing held in this case in Springfield, Missouri, on March 23, 1989. Staff asserted that Company's failure to attend illustrates its indifference to and contempt for the proceedings of this Commission.

Company also failed to appear at the prehearing conference and hearing scheduled in this case for March 28 and 29, 1989. At this hearing the Commission entertained argument from Staff and Public Counsel on their respective motions to dismiss. The Commission granted the motions to dismiss from the bench for the reasons set forth hereinafter.

As noted by Staff, Company bears the burden of proof to show that its proposed rate increase is just and reasonable. Section 393.150(2), R.S.Mo 1986. Although notified of the date of hearing six weeks prior to its occurrence, Company failed to appear. The statutory requirement for a full hearing on proposed rate increases which have been suspended pursuant to Section 393.150, is met by affording the opportunity for such hearing. Since the Company did not appear at the hearing to offer testimony in support of its proposed rate increase, the Commission had no basis upon which to approve such increase.

The Commission also believes that Company's failure to appear at the hearings in this case demonstrates indifference toward, and contempt for, the Commission and its processes, as alleged by the Staff. This conduct cannot be tolerated.


In the absence of testimony supporting the proposed rate increase as just and reasonable, Company's present rates are presumed to be just and reasonable. Section 393.150, R.S.Mo. 1986. That being the case, and in view of the Company's failure to appear at the scheduled hearings, the Commission determines that the Company's proposed rate increase should be rejected.

It is, therefore,

ORDERED: 1. That the tariff submitted by Southwest Village Water Company of Greene County, Missouri, on January 4, 1989, reflecting a proposed rate increase for water service provided to customers in its service area, is rejected hereby.

ORDERED: 2. That this order shall become effective on the 7th day of April, 1989.

BY THE COMMISSION


Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Mueller,
Hendren and Fischer, CC.,
Concur.