

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

In the Matter of Request for Increase in Annual Sewer System Operating Revenues by R. D. Sewer Company LLC.)))	<u>File No. SR-2012-0263</u>
In the Matter of a Rate Increase for Lakeland Heights Water Company, Inc.))	<u>File No. WR-2012-0266</u>
In the Matter of a Rate Increase for Oakbrier Water Company, Inc.))	<u>File No. WR-2012-0267</u>

**THE OFFICE OF THE PUBLIC COUNSEL'S REQUEST
FOR RECONSIDERATION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Request for Reconsideration states as follows:

1. On October 11, 2012, the Staff of the Missouri Public Service Commission (Staff) filed a Motion to Request [For] Waiver and Request for Hearing Date in each of the above stated cases. Staff's Motion states that in order to achieve the 11-month timeline for these cases, time is of the essence, and therefore Staff requests that an evidentiary hearing be scheduled in November 2012. Staff further states that at this time, the parties cannot identify what the issues may be should the case go to hearing.
2. On the very same day, October 11, 2012, the Missouri Public Service Commission (Commission) issued an Order Setting Evidentiary Hearings in the above stated cases granting Staff's Motion and setting a procedural schedule requiring a List of Issues and Order of

Witnesses be filed on November 8, 2012, and setting a live evidentiary hearing for November 15-16, 2012. Public Counsel was not provided an opportunity to respond to Staff's Motion.

3. Pursuant to Public Counsel's request under 4 CSR 240-3.050 (15), local public hearings for the above stated cases are scheduled to be held on October 29 and 30, 2012.

4. 4 CSR 240-3.050 (19) allows ten (10) working days after the local public hearing, for Public Counsel to determine its position regarding a Company/Staff Disposition and the related tariff revisions, and to determine what issues are unresolved such that an evidentiary hearing would be necessary. As the final local public hearing is scheduled for October 30th and November 12th is a State Holiday, Commission Rules allow Public Counsel until November 14th to determine its position and list any issues ripe for evidentiary hearing.

5. Contrary to the Commission Rules, the Commission's Order Setting Evidentiary Hearings requires that Public Counsel make a determination of its position and develop a list of issues on November 8th instead of November 14th, denying Public Counsel six (6) calendar days in which to make its determination. Losing almost an entire week of time for review is certainly detrimental to Public Counsel and the customers it represents.

6. In its Motion, Staff made no request to waive the requirements of 4 CSR 240-3.050 (19) and no statement of good cause has been expressed to justify the necessity for this significant detriment to Public Counsel.

7. As stated above, Public Counsel was not even given the opportunity to respond to Staff's Motion. If the Commission had provided the opportunity to respond, Public Counsel would not have opposed Staff's request to set aside evidentiary hearing dates in case settlement is not possible. In fact, Public Counsel has made similar requests in other small company rate increase request cases even though those requests were rebuffed by the Commission as being premature.

8. However, Public Counsel would have pointed out the requirements of 4 CSR 240-3.050 (19) and requested that any procedural schedule meet the timing requirements of that Commission Rule. Allowing Public Counsel to respond as it has the right to do as a party to this case would have eliminated the need for Public Counsel to request reconsideration after the fact.

9. Therefore, Public Counsel requests that the Commission reconsider its Order Setting Evidentiary Hearings and set a procedural schedule that meets the requirements 4 CSR 240-3.050 (19) allowing ten (10) working days after the local public hearing for Public Counsel make a determination of its position and develop a list of issues should evidentiary hearings be necessary.

WHEREFORE, Public Counsel respectfully requests that the Commission reconsider its Order Setting Evidentiary Hearings.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 12th day of October 2012:

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