

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

In the Matter of the application of Timber )  
Creek Sewer Company, for permission, )  
approval and a certificate of convenience )  
and necessity authorizing it to own, operate, )  
install, reconstruct, control, manage and )  
maintain a sewer system for the public )  
located in an unincorporated area in Clay )  
County, Missouri. )

Case No. SA-2005-0467  
(Johnson Ridge Subdivision)  
(Tariff File No. YS-2006-0671)

**RECOMMENDATION FOR APPROVAL OF REVISED TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and for its Recommendation for Approval of Revised Tariff ("Recommendation") states the following to the Missouri Public Service Commission ("Commission").

1. On January 5, 2006 the Commission issued its Order Granting Application ("Order") in the above-captioned case, which became effective on January 15, 2006, and in which it granted Timber Creek Sewer Company ("Company") additional service area in an area known as Johnson Ridge Subdivision. As a part of its Order, the Commission directed the Company to file tariff sheets with a map and description and other changes reflecting the additional service area consistent with the Order within sixty (60) days of the effective date of the Order.

2. On January 5, 2006, the Commission also issued an Order Granting Application in Case No. SA-2005-0297, (this and the above Order collectively referred to herein as "Both Orders") in which it granted the Company additional service area in an area known as the Oakbrook Subdivision. As a part of that order, the Commission also directed the company to file tariff sheets with a map and description and other changes reflecting this additional service area.

3. By a letter dated January 31, 2006 and stamped "Filed" at the Commission's offices on February 3, 2006, the Company submitted a new tariff replacing its previous tariff, which was intended to comply with Both Orders. On February 17, 2006 the Company withdrew this tariff filing.

4. By a cover letter dated March 2, 2006 that was stamped "Filed" at the Commission's offices on March 6, 2006, the Company submitted a new tariff replacing its previous tariff filing intended to be in compliance with Both Orders. The subject new tariff bore an issue date of March 6, 2006 and an effective date of April 5, 2006. Upon receipt of the tariff filing, personnel in the Commission's Data Center entered the filing into the Commission's electronic filing and information system and the filing was assigned Tariff File No. YS-2006-0671.

5. On March 21, 2006 substitute tariff sheets Nos. 2, 2a, 5, & 9 were submitted to make incidental corrections and clarifications as requested by Staff, and these sheets were substituted in Tariff File No. YS-2006-0671.

6. The Staff has reviewed the Company's tariff filing, P.S.C. Mo. No. 2 canceling P.S.C. Mo. No.1, and is of the opinion that the subject replacement tariff is in compliance with Both Orders. Approval of the new proposed tariff in either of the two cases will satisfy the orders to file tariffs in both cases. Martin Hummel of the Commission's Water & Sewer Department performed the review of the subject tariff on behalf of the Staff.

7. The proposed replacement tariff has no changes in any charges. There is a new rule that pertains to customer and company responsibility regarding pump units. There are no other rule changes that would require specific approval in the context of a case before the

Commission. There were heading changes necessary to make the tariff applicable to areas outside of Platte County, as the new areas are in Clay County.

8. The Staff has also reviewed the status of the Company's assessment payments and annual report filings and notes that the Company has no delinquencies in regard to either of these matters. The review period for assessments covers the fiscal year 2000 through the fiscal year 2006, and the review period for annual reports covers the calendar year 1997 through the calendar year 2005.

9. The Staff notes that this tariff filing does not affect any other matter pending before the Commission with regard to the Company, beyond the impact upon the two distinct certificate cases, as noted above.

10. Following Commission approval of the subject tariff, items 5 and 6 of Both Orders will still remain to be completed, and both cases should thus remain open for these matters. Items 5 and 6 pertain to information and evidence regarding the Company's ownership of the new treatment plant and the issuance of all operating permits from the Missouri Department of Natural Resources; these matters will not be addressed until after the treatment plants have been constructed.

**WHEREFORE**, the Staff respectfully recommends that the Commission issue an order that approves the tariff pending in Tariff File No. YS-2006-0671 to become effective on April 5, 2006.

Respectfully Submitted,

**/s/ Keith R. Krueger**

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**Certificate of Service**

I hereby certify that copies of this Recommendation have been mailed with first class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 24th day of March 2006.

**/s/ Keith R. Krueger**