

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

In the Matter of Missouri-American Water )  
Company's Request for Authority to )  
Implement General Rate Increase for Water )  
and Sewer Service Provided in Missouri )  
Service Areas )

Case Nos. WR-2022-0303  
SR-2022-0304

**REQUEST FOR EXTENSION OR, IN THE ALTERNATIVE, RESPONSE TO MOTION  
TO ESTABLISH TEST YEAR, TRUE-UP DATE, AND DISCRETE ADJUSTMENTS**

Comes now the Office of the Public Counsel (the “OPC”) and in response to Missouri-American Water Company’s (“MAWC”) Motion to Establish Test Year, True-Up Date, and Discrete Adjustments (the “Motion,” Doc. 19)<sup>1</sup> and pursuant to 20 CSR 4240-2.050(3)(A) respectfully states as follows:

The OPC requests that the Public Service Commission of the State of Missouri (the “Commission”) extend the deadline to respond to the Motion to, at least, July 29, 2022. In the alternative, the OPC opposes the Motion, at least to the extent that it seeks an order from the Commission allowing MAWC to include additional adjustments in the pending rate cases beyond MAWC’s requested December 31, 2022 true-up period. If the Commission grants the OPC’s request to extend the deadline, the OPC reserves the right to make additional arguments regarding the relief MAWC seeks in the Motion.

**I. Background**

On July 1, 2022, MAWC filed a Tariff Revision, the Direct Testimony of sixteen witnesses, and the Motion in the dockets established for both its water and sewer rate cases. (Docs. 2-19).

On July 6, 2022, the Commission entered its Order Directing Notice and Establishing Time to Apply to Intervene (the “July 6, 2022 Order”). (Doc. 20). In the July 6, 2022 Order, the

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<sup>1</sup> References to document numbers represent the document numbers assigned in the Electronic Filing Information System (“EFIS”).

Commission directed that notice of the water and sewer rate cases be provided. (July 6, 2022 Order 1, Doc. 20). The Commission also set July 26, 2022, as the deadline for applications to intervene and stated that it would “address tariff suspension in a separate order.” (*Id.* 1-2).

On July 8, 2022, MAWC filed a Motion to Consolidate, seeking to consolidate the water and sewer rate cases. (Doc. 21).

## **II. Legal Authority**

The Commission’s Rules provide parties “ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission.” 20 CSR 4240-2.080(13). The Commission’s Rule addressing computation of time provides a standard by which the Commission may grant an extension of time. Specifically, 20 CSR 4240-2.050(3) states:

- When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission may—
- (A) Order the period enlarged before the expiration of the period originally prescribed or as extended by a previous order; or
  - (B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or for other good cause shown.

## **III. Analysis**

The OPC requests that the Commission extend the deadline to respond to the Motion to July 29, 2022, to allow time for parties to intervene in this matter and for those parties to consider the Motion. In the alternative, the OPC responds to the Motion and opposes it, at least to the extent that MAWC seeks Commission authorization to include adjustments beyond its requested true-up period of December 31, 2022.

### **A. Request for Extension**

As its first ground for relief, the OPC requests that the Commission extend the deadline to respond to the Motion to, at least, July 29, 2022. The OPC makes this request so that all parties—

including those who may seek to intervene—have the opportunity to respond to MAWC’s requests regarding the test year, true-up period, and discrete adjustments described in the Motion.

Extending the deadline to respond to the Motion would be in keeping with Commission practice as set forth in MAWC’s two prior rate cases. Specifically, in WR-2020-0344, on June 30, 2020, MAWC filed its Motion to Establish Future Test Year. (WR-2020-0344, Doc. 17). The Commission established July 22, 2020, as the deadline for applications to intervene. (*See* July 2, 2020 Order 2, WR-2020-0344, Doc. 19). In that same Order, the Commission set July 27, 2020, as the deadline to respond to MAWC’s Motion to Establish Future Test Year. (*Id.* 3). Similarly, in WR-2017-0285, on June 30, 2017, MAWC filed its Motion to Establish Future Test Year. (WR-2017-0285, Doc. 18). The Commission established July 25, 2017, as the deadline for applications to intervene. (July 5, 2017 Order 2, WR-2017-0285, Doc. 20). The Commission also established July 27, 2017, as the deadline to respond to MAWC’s Motion to Establish Future Test Year. (*Id.* 3).

In this case, the Commission set July 26, 2022, as the intervention deadline. (July 6, 2022 Order 2). The Commission did not address the deadline to respond to the Motion in its July 6, 2022 Order. (*See generally id.*). Therefore, the deadline to respond to the Motion is July 11, 2022. *See* 20 CSR 4240-2.080(13). Without extending this deadline, any party who seeks to intervene in this matter between July 6, 2022, and July 26, 2022, will not have the opportunity to respond to the Motion.

Before a deadline has passed, the Commission may “[o]rder the period enlarged.” 20 CSR 4240-2.050(3)(A). The OPC’s response deadline has not passed. *See* 20 CSR 4240-2.080(13). So that all parties—including those who may seek to intervene—have the opportunity to respond, the OPC requests that the Commission extend the deadline to respond to the Motion until, at least, July 29, 2022.

**B. Response in Opposition to the Motion**

Alternatively, if the Commission denies the OPC's request to extend the deadline to respond, the OPC offers its response in opposition to the Motion. The OPC opposes the Motion, at least to the extent that it seeks Commission authorization to allow MAWC to make adjustments in the rate cases beyond MAWC's requested December 31, 2022 true-up period because such information could not be audited. Should the Commission grant the OPC's request for an extension of time, the OPC reserves the right to raise additional arguments in opposition to the Motion.

In the Motion, MAWC makes three general requests: (1) establishment of a test year consisting of the twelve months ended June 30, 2022; (2) establishment of a true-up period ending December 31, 2022; and (3) authorization to include certain discrete adjustments beyond the requested true-up period, through May 31, 2023. (*See generally* Mot., Doc. 19). As to its discrete adjustments, MAWC identifies categories of information for which it proposes adjustments. (*Id.* 7-8; *see also* Selinger Direct Test. 21-25, Doc. 9).

If the Commission were to grant MAWC's request to include additional adjustments beyond the true-up period, such information could not be audited. This is so because the information would not be known until after witnesses filed their testimony. Further, although in MAWC's prior rate cases the Commission allowed parties to "present further adjustments for the Commission's consideration based upon projected or forecasted data," the Commission has not, in its Order addressing the test year, previously authorized MAWC's inclusion of specific adjustments beyond the true-up period. (*See* Aug. 9, 2017 Order 3, WR-2017-0285, Doc. 53). The Commission should not do so here.

If the Commission does not grant the OPC's request for an extension of time, the OPC opposes the Motion, at least to the extent that it requests Commission authorization for MAWC to

include adjustments beyond the true-up period of December 31, 2022. Should the Commission grant the OPC's request to extend the time to respond, the OPC reserves the right to make additional arguments in opposition to the relief MAWC seeks in the Motion.

#### **IV. Conclusion**

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission extend the deadline to respond to MAWC's Motion until, at least July 29, 2022. Alternatively, the OPC requests that the Commission deny MAWC's Motion, at least to the extent that it requests the inclusion of adjustments beyond the true-up period of December 31, 2022.

If the Commission grants the OPC's request for an extension, the OPC reserves the right to make additional arguments in opposition to the relief MAWC seeks in the Motion.

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 11th day of July 2022.

/s/ Lindsay VanGerpen