

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

In the Matter of R.D. Sewer Company,)
LLC Small Company Rate Increase.) **File No. SR-2009-0226**

OFFICE OF THE PUBLIC COUNSEL’S MOTION TO SUSPEND TARIFF

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Motion to Suspend Tariff states as follows:

1. On November 26, 2008, R.D. Sewer Company, LLC (RD Sewer) initiated a small company rate increase proceeding with the Missouri Public Service Commission (Commission) requesting approval of the interim rates ordered by the Commission in SO-2008-0289.
2. On April 27, 2009, the Staff of the Missouri Public Service Commission (Staff) filed a Notice of Staff/Company Agreement Regarding Disposition of Small Sewer Company Increase (Staff/Company Disposition) indicating an agreement between Staff and RD Sewer for an annualized sewer operating revenue increase of \$14,540 annually (approximately 33.69%).
3. On April 30, 2009, RD Sewer filed proposed revised tariff sheets reflecting the agreements in the Staff/Company Disposition. These proposed revised tariff sheets bear an effective date of June 15, 2009.
4. On May 29, 2009, Public Counsel filed a Request for Local Public Hearing, or in the Alternative, Request for Evidentiary Hearing in which Public Counsel requested that the Commission schedule a local public hearing. In the alternative, if the Commission determines that it should deny Public Counsel’s request for a local public hearing, Public Counsel requested an evidentiary hearing in this matter.

5. Section 393.150 RSMo 2000 provides that the Commission may suspend tariff sheets for a maximum period of 120 days plus six months. Regardless of whether the Commission grants Public Counsel's request for a local public hearing or an evidentiary hearing is held, either process would require additional time beyond the June 15th effective date of the proposed tariff revisions. Therefore, the Commission should suspend the proposed revised tariff sheets for the maximum period to allow adequate time for either a local public hearing or an evidentiary hearing and subsequent case disposition as appropriate.

WHEREFORE, Public Counsel respectfully requests that the Commission grant its motion to suspend tariff.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)

Senior Public Counsel

PO Box 2230

Jefferson City MO 65102

(573) 751-5565

(573) 751-5562 FAX

christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 29th day of May 2009:

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
PO Box 360
Jefferson City MO 65102
GenCounsel@psc.mo.gov

Jennifer Hernandez
General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
PO Box 360
Jefferson City MO 65102
jennifer.hernandez@psc.mo.gov

Terry C Allen
R. D. Sewer Co., L.L.C.
PO Box 1702
612 E Capitol Ave
Jefferson City MO 65102
terry@tcallenlawoffices.com

/s/ Christina L. Baker
