

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Small Company Rate)
Increase Request of Mill Creek Sewers, Inc.) **File No. SR-2005-0116**

ORDER SETTING EVIDENTIARY HEARING

Issue Date: December 9, 2009

Effective Date: December 9, 2009

This case began in October of 2004 with Mill Creek Sewers filing a request for a small company rate increase. After numerous pleadings and discussions, the Commission issued an order approving a tariff and an agreement.¹ Through the order approving the agreement, the Commission set out a number of concerns regarding the ownership/management of the company. Because the St. Louis Metropolitan Sewer District (MSD) showed an interest in purchasing the company, the Commission directed the Staff of the Commission to file weekly status reports informing the Commission of the progress of that potential sale. Shortly thereafter, the Commission was informed that MSD had no immediate interest in purchasing Mill Creek. Ultimately, the Commission foresaw the company being transferred to a responsible buyer.

Since 2005, the Staff of the Commission has been monitoring the activities at Mill Creek, assisting with the management of the company and filing status reports; initially weekly, then monthly, now quarterly.

Most recently, Staff filed a petition for an interim receiver and for an order from the Commission directing General Counsel to seek a receivership through the circuit court. As

¹ See Order Approving Tariff and Agreement, issued on September 29, 2005.

required by Missouri law,² the Commission must hold an evidentiary hearing to find that the company has been abandoned in order to seek a receivership. Due to Staff's belief that the company has in fact been abandoned, Staff seeks expedited treatment and requests that the Commission hold a hearing no later than January 21, 2010.

The Commission will accommodate Staff's request and set this matter for an evidentiary to be held on January 5, 2010. Because this hearing is being expedited, time does not allow for prefiled testimony. All testimony will therefore be live. Further, post-hearing briefs will not be permitted. Rather, the parties are directed to present oral argument at the conclusion of the evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. An evidentiary hearing shall be held on January 5, 2010, beginning at 9:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.
2. A copy of this order shall be served upon Mill Creek Sewers, P.O. Box 38787, St. Louis, Missouri 63138.

² Section 393.145 RSMo 2008.

3. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 9th day of December, 2009.