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**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 15th  
day of June, 1999.

In the Matter of the Small Company Rate	)	
Increase Request of Eastern Missouri	)	<b>Case No. SR-99-421</b>
Utilities Company, Inc., for a Sewer Rate	)	<b>Tariff No. 9900219</b>
Increase.	)	

**ORDER DISMISSING CASE AND  
REJECTING TARIFF**

On March 31, 1999, Eastern Missouri Utilities Company, Inc. (EMU), filed a proposed tariff and agreement pursuant to this Commission's small company rate increase procedure, Regulation 4 CSR 240-2.200(1)(D) (the Procedure), seeking a sewer rate increase. On April 29, 1999, the Staff of the Missouri Public Service Commission (Staff) filed its Motion to Suspend Tariffs Pending Submission of Complete Tariff Agreement or in the Alternative, Motion to Cancel the Tariff filed by Eastern Missouri Utilities Company, Inc. On May 6, 1999, the Commission by order suspended the proposed tariff filed by EMU and set a prehearing conference for May 21, 1999.

EMU did not appear at the prehearing conference on May 21, 1999. Thereafter, on May 27, 1999, Staff filed its motion seeking dismissal of this case and cancellation of EMU's proposed tariff. Staff relies on Rule 4 CSR 240-2.090(5), which provides for dismissal as a sanction for an unexcused failure to attend a prehearing conference. Nearly two weeks

have passed since Staff filed its motion and EMU has not responded. For that matter, the Commission has never received any response or other pleading from EMU with respect to Staff's motion to suspend its proposed tariff or the Commission's order of suspension.

EMU's quest for a rate increase has been troubled in other respects, as well. In its prior motion to suspend EMU's tariff, filed on April 29, 1999, Staff complained that EMU failed to file all of the thirty-one revisions to its proposed tariff sheets actually agreed upon by EMU, the Office of the Public Counsel (OPC) and Staff. In the absence of these tariff revisions, Staff contended that no agreement concerning the requested rate increase existed as required by the Small Company Rate Increase procedure at 4 CSR 240-2.200.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing, the Commission may grant the relief requested based on the pleadings. The Commission has reviewed Staff's motion to dismiss and finds that Staff has shown good cause to dismiss this matter. Likewise, the Commission agrees with Staff that EMU's proposed tariff should be rejected because EMU has not shown that the proposed rate increases are just and reasonable.

**IT IS THEREFORE ORDERED:**

1. That Staff's Motion to Dismiss is granted.

2. That the tariff filed by Eastern Missouri Utility Company, Inc., on March 31, 1999, Tariff File number 9900219, is rejected.

3. That this order shall become effective on June 25, 1999.

4. That this case may be closed on June 28, 1999.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Crumpton, Drainer,  
Murray, and Schemenauer, CC., concur.

Thompson, Deputy Chief Regulatory Law Judge