

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

In the Matter of the Joint Application of)	
Stoddard County Sewer Company, Inc., R.D.)	
Sewer Co., L.L.C. and the Staff of the)	
Missouri Public Service Commission for an)	<u>Case No. SO-2008-0289</u>
Order Authorizing Stoddard County Sewer Co.,)	
Inc. to Transfer its Assets to R.D. Sewer Co.,)	
L.L.C., and for an Interim Rate Increase.)	

OFFICE OF THE PUBLIC COUNSEL’S REQUEST FOR RULING

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Request for Ruling states as follows:

1. On October 31, 2008, Public Counsel filed its Application for Rehearing and Request for Stay Order Pending Appeal, or in the Alternative, Order for a Separate Fund for the Interim Increase Subject to Refund.
2. Pursuant to Section 386.500¹ and 4 CSR 240-2.160, Public Counsel specifically set forth the reasons warranting a rehearing and moved the Missouri Public Service Commission (Commission) for rehearing of its Report and Order of October 23, 2008, effective November 2, 2008.
3. As of the date of this filing, the Commission has yet to act on Public Counsel’s application for rehearing and request.
4. Section 386.500.1 states that, after an order or decision has been made by the Commission, any of the interested parties shall have the right to apply for a rehearing in respect to any matter determined therein. Section 386.500.2 requires a party to file an application for rehearing with the Commission.

¹ All statutory citations are to the Revised Statutes of Missouri 2000, unless otherwise noted.

5. Section 386.510 requires a Commission ruling on an application for rehearing before an applicant may apply to the appropriate circuit court for a writ of certiorari or review. Without a Commission ruling on its application for rehearing, Public Counsel's statutory right to an appeal is forestalled.

6. Therefore, in order to allow Public Counsel the opportunity to exercise its statutory right to appeal, Public Counsel requests that the Commission issue a ruling on its application for rehearing and request as soon as possible, but in any event by December 31, 2008.

WHEREFORE, Public Counsel requests that the Commission issue a ruling on its Application for Rehearing and Request for Stay Order Pending Appeal, or in the Alternative, Order for a Separate Fund for the Interim Increase Subject to Refund as soon as possible in order to allow Public Counsel the opportunity to exercise its statutory right to appeal.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 9th day of December 2008:

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