

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
April 25, 2000**

CASE NO: SR-2000-556

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Gregory D. Williams
Highway 5 at Lake Road 5-32
P O Box 431
Sunrise Beach, MO 65079

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", written in a cursive style.

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

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 25th
day of April, 2000.

In the Matter of Osage Water Company's)	
Request for a Rate Increase for Sewer)	
Service Pursuant to the Public Service)	<u>Case No. SR-2000-556</u>
Commission's Small Company Rate Increase)	
Procedure.)	

ORDER DENYING MOTION TO SCHEDULE EARLY PUBLIC HEARING

On March 6, 2000, the Office of the Public Counsel (Public Counsel) filed with the Missouri Public Service Commission (Commission) its motion to open a docket [sic]¹ and to schedule an early public hearing.

Public Counsel states that it has received a large number of calls and letters from Osage Water Company (Osage) customers who may be affected by any rate increase granted in this case. Public Counsel states that the customers have many customer service complaints pertaining to most, if not all, of Osage's service areas. Public Counsel acknowledges that local public hearings are not usually held at this stage of a small company rate case.

¹ Docket "...in [American English] means 'a schedule of cases pending.' ...Docket may be used as a verb in [American English]. E.g., 'The case was docketed and tried shortly thereafter.'/'Thereafter he has either 60 or 90 days in which to docket the case with the Supreme Court....' Charles A. Wright, *The Law of Federal Courts* 755 (4th ed. 1983)." (Emphasis in original.) Bryan A. Garner, *A Dictionary of Modern Legal Usage* 289 (2nd ed. 1995). The individual cause is a "case," not a "docket." The Commission established a case upon Public Counsel's filing of its motion.

On March 16, 2000, Osage filed a pleading opposing Public Counsel's request for early local public hearings. Osage states that granting Public Counsel's motion would convert the informal case to a formal one.

Osage states that holding public hearings to hear customer comments about the as yet unknown amount of a rate increase would be premature.

Osage recites and counters the customer service complaints it believes Public Counsel refers to in its pleading. Osage concludes that the customer service issues to which Public Counsel refers have been fully resolved. Osage states that a local public hearing may be productive after the Staff audit has been completed.

The small company rate procedures (4 CSR 240-2.200) provides for a detailed series of events that occur in a specific order. It provides at 4 CSR 240-2.200(1)(F) that a request for public hearing may be filed after tariff sheets are filed by the company requesting an increase. Public Counsel's request for local public hearings during these preliminary stages of the small company rate increase process is simply premature, and will be denied. Public Counsel may, of course, request public hearings pursuant to 4 CSR 240-2.200(1)(F) at the time set forth in that rule.

IT IS THEREFORE ORDERED:

1. That the request of the Office of the Public Counsel to schedule an early public hearing filed on March 6, 2000, is denied.
2. That the request of the Office of the Public Counsel to establish a case is granted.

3. That this order shall become effective on May 5, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Mills, Deputy Chief Regulatory Law Judge

ALJ/Sec'y: Mills / Boyle
4-20 SR-2000-556
Date Circulated CASE NO.
Lumpke, Chair
Crump, Commissioner
CM NO
Murray, Commissioner
Schemenauer, Commissioner
Drainer, Vice-Chair
4-25
Agenda Date
Action taken: 4-1 AS
Must Vote Not Later Than

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 25th day of April 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge