

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

In the Matter of Small Company Rate Increase of)
Timber Creek Sewer Company) File No. SR-2010-0320

**REQUEST TO OPEN CONTESTED CASE
AND SCHEDULE A PREHEARING CONFERENCE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its *Request to Open a Contested Case and Schedule a Prehearing Conference*, states the following:

1. On October 7, 2010, Timber Creek Sewer Company (Timber Creek), the Office of Public Counsel (Public Counsel), and Staff filed a Unanimous Partial Disposition Agreement (Disposition Agreement) with the Missouri Public Service Commission (Commission). The Disposition Agreement did not resolve all matters in this case.

2. Commission Rule 4 CSR 240-3.050(21) states:

If at any time after a case is opened it becomes clear to the utility or the staff that agreements cannot be reached on even a portion of the issue related to the utility's request . . . either may file a motion asking that the utility's request be resolved through contested case procedures conducted in the time remaining the rate case process. . .

3. Since this matter was not completely resolved through the small rate case procedure disposition agreement, Staff requests that the Commission address the remaining issues in a contested case and resolve this matter through a general rate case process.

4. Staff requests that a prehearing conference be scheduled at the Commission first convenience and a procedure schedule be developed so parties can comply with Commission Rule 4 CSR 240-3.050(24), requiring that the case be presented to the Commission no later than

nine (9) months after the case was opened. This case must be presented completely to the Commission by February 11, 2011.

WHEREFORE, Staff respectfully requests the Commission open a contested case for Timber Creek's sewer revenue increase and schedule a prehearing conference at the Commission's first convenience.

Respectfully submitted,

/s/ Jaime N. Ott

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of October, 2010.

/s/ Jaime N. Ott