

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

In the Matter of Meramec Sewer Company    )  
Rate Increase Request.                                )       File No. SR-2012-0309

**THE OFFICE OF THE PUBLIC COUNSEL'S POSITION STATEMENT**

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

1.       On March 20, 2012, Meramec Sewer Company (Meramec) initiated a small company rate increase proceeding with the Missouri Public Service Commission (Commission) requesting an increase of \$140,000 in its annual sewer operating revenues.
2.       On August 17, 2012, the Staff of the Missouri Public Service Commission (Staff) filed a *Notice of Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request* (Company/Staff Agreement) in the above stated case indicating agreement between Staff and Meramec for a proposed sewer rate increase of \$103,466 (approximately 55.28%). Public Counsel did not join in the agreement.
3.       Revised tariff sheets reflecting the proposed rates agreed to in the Company/Staff Agreement were filed by Meramec on August 22, 2012.
4.       As the Company/Staff Agreement was executed by only Meramec and Staff, 4 CSR 240-3.050(15) requires Public Counsel to file a pleading stating its position regarding the Company/Staff Agreement and the related tariff revisions, or requesting a local public hearing or an evidentiary hearing no later than five (5) working days after the end of the comment period for the written customer notice contemplated in 4 CSR 240-3.050(14).

5. Public Counsel now states its position that it continues to have concerns regarding the fact that Meramec currently owes approximately \$72,000 for past-due property taxes pertaining tax years 2009, 2010 and 2011 to Jefferson County and that Jefferson County has stated its intent to pursue a land sale of the utility property due to the non-payment of the 2009 taxes if not paid by August 2012. However, Public Counsel believes this is beyond the issues in this small company rate increase proceeding and is better addressed in the pending Commission Case No. SM-2012-0423 wherein Jefferson County is seeking Commission approval to sell the utility and adjoining property due to Meramec's non-payment of taxes or another appropriate procedural forum. Therefore, Public Counsel will not oppose the Company/Staff Agreement or the approval of the revised tariff sheets by the Commission.

6. As stated above, 4 CSR 240-3.050(14) requires a written notice of the proposed tariff revisions no later than five (5) working days after the utility makes its tariff filing.

7. Additionally, 4 CSR 240-3.050(22) requires a final written notice of Commission approval of any tariff revisions resulting from a small company rate increase proceeding.

8. If no other party opposes the Company/Staff Agreement and the related tariff revisions, Public Counsel believes that it would be burdensome to Meramec and its customers to require a written customer notice as contemplated in 4 CSR 240-3.050(14) as well as a final written notice per 4 CSR 240-3.050(22) if the Commission approves the Company/Staff Agreement and the related tariff revisions. Consequently, Public Counsel requests a waiver of the written customer notice as contemplated in 4 CSR 240-3.050(14). The final written notice per 4 CSR 240-3.050(22) would still be required.

9. Therefore, in compliance with 4 CSR 240.3-050(15), Public Counsel now states its position that it will not oppose the Company/Staff Agreement or Commission approval of the

related tariff revisions. Additionally, if no other party opposes the Company/Staff Agreement and the related tariff revisions, Public Counsel requests a waiver of the customer notice as contemplated in 4 CSR 240-3.050(14). The final written notice per 4 CSR 240-3.050(22) would still be required.

**WHEREFORE,** Public Counsel respectfully submits its Position Statement.

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 22<sup>nd</sup> day of August 2012:

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