

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

In the Matter of a Small Utility Rate)
Case Procedure for Rogue Creek)
Utilities, Inc.) **File No. SR-2013-0435**

In the Matter of a Small Utility Rate)
Case Procedure for Rogue Creek)
Utilities, Inc.) **File No. WR-2013-0436**

**THE OFFICE OF THE PUBLIC COUNSEL’S NOTICE AND
WITHDRAWAL OF EVIDENTIARY HEARING REQUEST**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Notice and Withdrawal of Evidentiary Hearing Request states as follows:

1. On March 27, 2013, Rogue Creek Utilities, Inc. (Rogue Creek), through its receiver Johansen Consulting Services, initiated small company rate increase proceedings in the above stated cases with the Missouri Public Service Commission (Commission).
2. On November 8, 2013, Rogue Creek and the Staff of the Missouri Public Service Commission (Staff) filed a Joint Staff and Company Disposition Agreement and Request for Arbitration (Company/Staff Agreement) in each case. In the Company/Staff Agreement, the parties attached two partial disposition agreements between Staff and Rogue Creek regarding the resolution of Rogue Creek’s water and sewer revenue increase requests. Staff and Rogue Creek requested arbitration of the unresolved issues in these cases.

3. On November 15, 2013, Public Counsel stated its opposition to the Company/Staff Agreement and the attached partial disposition agreements between Staff and Rogue Creek and requested an evidentiary hearing on its concerns.

4. Public Counsel now notifies the Commission that it believes a resolution has been achieved and that in the near future an agreement and related tariff revisions will be filed with the Commission which adequately resolves Public Counsel's concerns.

5. Once an agreement and related tariff revisions are filed, an evidentiary hearing would no longer be necessary. Therefore, once an agreement and related tariff revisions are filed with the Commission, Public Counsel asks that the Commission accept the withdrawal of its evidentiary hearing request.

WHEREFORE, Public Counsel respectfully submits its Notice and Withdrawal of Evidentiary Hearing Request.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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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 23rd day of December 2013:

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