

**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

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**THE OFFICE OF THE PUBLIC COUNSEL’S OBJECTION AND
REQUEST FOR EVIDENTIARY HEARING**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Objection and Request for Evidentiary Hearing 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. While Public Counsel has not completed its audit and review of Staff’s work papers at this time, Public Counsel has completed a cursory review of the Company/Staff Agreement.

Based on this review, Public Counsel now states that it opposes the Company/Staff Agreement and the attached partial disposition agreements between Staff and Rogue Creek.

4. Given its review, Public Counsel now states its belief that the following issues are unresolved:

- PSC Assessment
- Water utility materials and supplies
- Back payments for Dale Johansen
- Back payments for Floyd Medley
- Meter reading expense
- Outside services contract expense
- Plant balances
- Depreciation reserve
- Depreciation expense
- Contributions in aid of construction (CIAC)
- Capital structure
- Return on Equity
- True-up and amortization of accounts payable
- Treatment of loss of customers after September 30, 2013

As Public Counsel has not completed its audit and review of Staff's work papers at this time, Public Counsel notes the above may not be a complete list of all the unresolved issues in these cases. Public Counsel reserves the right to present additional unresolved issues once its audit and review of Staff's work papers is complete.

5. Given the number of unresolved issues, Public Counsel is concerned that arbitration may not be the most expedient avenue to resolve these cases. Therefore, Public Counsel now requests an evidentiary hearing.

6. Public Counsel, Rogue Creek, Staff and the Department of Natural Resources have been in active discussion regarding a resolution of this matter, and Public Counsel now states that it believes a resolution between the parties may be forthcoming in the near future. However, Public Counsel does not wish to waive its right to an evidentiary hearing should a resolution between the parties not come to fruition.

7. Therefore, Public Counsel now states that, out of an abundance of caution, it wishes to request an evidentiary hearing. Public Counsel also states that, should a full resolution between the parties be filed with the Commission, Public Counsel will withdraw its evidentiary hearing request.

WHEREFORE, Public Counsel respectfully submits its objection and request for an evidentiary hearing.

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 15th day of November 2013:

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