

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Small Company Rate)
Increase Request of Mill Creek Sewers, Inc.) **File No. SR-2005-0116**

ORDER GRANTING MOTION TO WITHDRAW

Issue Date: January 26, 2010

Effective Date: January 26, 2010

At the Staff of the Commission's request for authority to seek a receivership for Mill Creek Sewers, Inc., the Missouri Public Service Commission set this matter for an evidentiary hearing to be held on January 5, 2010. Because the parties sought to reach an agreement, rather than proceed to a hearing, the Commission cancelled the hearing. On December 30, 2009, counsel for Mill Creek, Dale Hermeling of the Stolar Partnership, requested leave to withdraw as Mill Creek's counsel.

In his motion for leave to withdraw, Mr. Hermeling states that: he has had no contact with Joseph Afshari, the original owner¹ of Mill Creek, since July of 2007; there are outstanding legal fees; and, he has had no contact with the new owner of Mill Creek. There has been no opposition to Mr. Hermeling's motion.

Under 4 CSR 240-2.040 (6) counsel may withdraw only by leave of the Commission. The parties have been working together, without the help of Mr. Hermeling, for almost three years. To date, Mr. Hermeling plays no role in the discussions with Staff and is not acting as an advisor to Mill Creek. Finally, the hearing that was pending at the time Mr. Hermeling filed the motion to withdraw, has been cancelled. The Commission finds the motion reasonable and will grant the requested relief.

¹ It is unclear whether Mill Creek Sewers was properly transferred. Hence, Mr. Afshari may still be the owner.

THE COMMISSION ORDERS THAT:

1. Dale Hermeling and the Stolar Partnership, LLP's motion for leave to withdraw as counsel for Mill Creek Sewers, Inc. is granted.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of January, 2010.