

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

In the Matter of Missouri Utilities Company) **File No. SR-2009-0153**
Small Company Rate Increase) Tariff No. YS-2009-0826

ORDER ESTABLISHING DEADLINE FOR FILING A DISPOSITION AGREEMENT

Issue Date: June 30, 2009

Effective Date: June 30, 2009

On October 23, 2008, Missouri Utilities Company (“MUC”) initiated a small company revenue increase request pursuant to Commission Rule 4 CSR 240-3.050. On May 21, 2009,¹ the Commission’s Staff filed a Disposition Agreement (“Agreement”) executed by it and MUC, and on May 26, MUC filed revised tariff sheets in conformity with the agreement bearing an effective date of July 10.²

On June 15, the Commission held a local public hearing at the request of the Office of the Public Counsel (“Public Counsel”). No interested members of the public or customers of MUC appeared.

On July 29, Public Counsel filed its position statement. Public Counsel states it still has concerns regarding the appropriate cost of service for the utility. However, Public Counsel further states that it believes a resolution has been achieved and that a unanimous disposition agreement is forthcoming. Finally, to preserve its right to an

¹ All dates from this point forward in this order refer to the year 2009 unless otherwise noted.

² MUC originally requested an increase of \$12,447.28 in its annual water system operating revenues representing an increase of approximately 100%. After discussions with the Commission's Staff ("Staff"), MUC and Staff agreed that MUC's annualized water system operating revenue should be increased by \$170.00 representing an increase of approximately 1.32%. Under this increase, an average residential

evidentiary hearing, Public Counsel requests an evidentiary hearing should negotiations between the parties fail to reach resolution.

Commission Rule 4 CSR 240-3.050(20) states:

If the public counsel files a request for an evidentiary hearing, the request shall include a specified list of issues that the public counsel believes should be the subject of the hearing. The utility's pending tariff revisions shall then be suspended, and the utility's case shall be resolved through contested case procedures conducted in the time remaining in the rate case process, consistent with the requirements of section (24), the requirements of due process, and fairness to the participants in the matter and the utility's ratepayers.

To date, Public Counsel has not provided the Commission with a specified list of issues that it believes should be the subject of the hearing. However, this defect may be moot if the parties ultimately resolve their issues. Consequently, the Commission shall set a deadline for the filing of a unanimous disposition agreement. In the event the parties are unable to resolve this matter, Public Counsel shall renew its request for an evidentiary hearing and shall, in compliance with the above stated rule, provide the Commission with a specified list of issues that it believes should be the subject of the hearing.

THE COMMISSION ORDERS THAT:

1. The parties shall jointly file a unanimous disposition agreement no later than 4:00 p.m. on Monday, July 6, 2009.
2. In the event the parties are unable to resolve this matter, Public Counsel may renew its request for an evidentiary hearing, in compliance with Commission Rule 4 CSR 240-3.050(20), as directed in the body of this order.

customer using 6000 gallons of water per month would experience an increase in their water bill of 16 cents

3. This order shall become effective immediately upon issue.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 30th day of June, 2009.

per month.