

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at Harris-Stowe
State University in St. Louis,
Missouri on the 8th day of July,
2009.

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

**ORDER APPROVING UNANIMOUS DISPOSITION AGREEMENT AND
AUTHORIZING TARIFF FILING**

Issue Date: July 8, 2009

Effective Date: July 8, 2009

On October 23, 2008, Missouri Utilities Company ("MUC")¹ initiated a small company revenue increase request pursuant to Commission Rule 4 CSR 240-3.050. On May 21, 2009,² the Commission's Staff filed a Disposition 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 10.³

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.

¹ MUC serves approximately 47 customers that are responsible for sewer service at 152 locations. Some customers are responsible for a group of mobile homes or apartments that serve multiple families.

² All dates from this point forward in this order refer to the year 2009 unless otherwise noted.

³ MUC originally requested an increase of \$10,321.24 in its annual sewer 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 sewer system operating revenue should be increased by \$5,648.00, representing an increase of approximately 54.69.%. After discussions with Public Counsel, the parties submitted the Unanimous Disposition Agreement where the parties agree that annualized sewer system operating revenue should be increased by \$4,700.00, representing an increase of approximately 45.52.%. Under this increase, an average residential customer would experience an increase in their sewer bill of \$4.08 per month (\$8.97 currently to \$13.05 following the increase).

On June 29, Public Counsel filed its position statement. Public Counsel stated it had concerns regarding the appropriate cost of service for the utility. However, Public Counsel believed it had reached resolution with MUC and Staff, and stated that a unanimous disposition agreement was forthcoming.⁴

On July 6, the parties jointly filed a Unanimous Disposition Agreement (“Agreement”). The Commission finds the Agreement reasonable and shall approve it.⁵ The Commission shall reject MUC's May 26 tariff filings, and shall authorize it to file tariffs in compliance with the Agreement.

THE COMMISSION ORDERS THAT:

1. The Unanimous Disposition Agreement regarding Missouri Utilities Company's request for an increase in sewer revenue, File No. SR-2009-0153, entered into by Missouri Utilities Company, the Staff of the Missouri Public Service Commission and the Office of the Public Counsel, filed on July 6, 2009, is approved.

2. The signatories shall comply with the terms of the Unanimous Disposition Agreement. A copy of the Agreement is attached to this order as Appendix A.

3. The following revised tariff sheets filed by Missouri Utilities Company on May 26, 2009, and assigned Tariff File No. YS-2009-0826, bearing an effective date of July 10, 2009, are rejected. The tariff sheets rejected are:

P.S.C. MO No. 1

1st Revised Sheet No. 4, Canceling Original Sheet No. 4

⁴ To preserve its right to an evidentiary hearing, Public Counsel also requested an evidentiary hearing should negotiations between the parties fail to reach resolution.

⁵ The Commission has the legal authority to accept stipulations and agreements as offered by the parties pursuant to Section 536.060, RSMo 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the Agreement.

1st Revised Sheet No. 5, Canceling Original Sheet No. 5

4. Missouri Utilities Company is authorized to file tariffs in compliance with the Unanimous Disposition Agreement.

5. 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)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.

Stearley, Senior Regulatory Law Judge