

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Hickory Hills
Water & Sewer Co., Inc.,
Small Company Rate Increase

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File Nos. SR-2009-0154
and WR-2009-0151

NOTICE OF PUBLIC HEARING

Issue Date: May 26, 2009

Effective Date: May 26, 2009

The Missouri Public Service Commission is setting a local public hearing on the rate increase requests of Hickory Hills Water & Sewer Co., Inc. ("the company").

The company initiated these actions by filing rate increase requests under 4 CSR 240-2.635¹ on October 23, 2009. On May 20, 2009,² the company and the Commission's staff ("Staff") filed a disposition agreement ("agreement") proposing a full resolution of the requests. The Office of the Public Counsel ("OPC") did not join in the agreement.

Upon such facts, OPC may request a local public hearing.³ OPC's requests for local public hearing⁴ are already the subject of the Commission's orders dated May 6, 2009, granting the local public hearings, but reserving scheduling pending the filing of the agreement.⁵ Because Staff and the Company have now filed the agreement, the Commission will schedule a local public hearing for these actions.

¹ That regulation applies to small water companies. For small sewer companies, the parallel procedure appears at 4 CSR 240-3.330. Also, 4 CSR 240-3.050 provides a procedure for small company rate actions.

² That date is within the Amended Timelines that Staff filed on February 11, 2009. Staff filed those Amended Timelines pursuant to our order dated February 10, 2009, extending the timelines for this action by 60 days, as requested in The company's motions for extension of time filed on January 30, 2009, and allowed under 4 CSR 240-3.635(1)(F) and 4 CSR 240-3.050(12).

³ Subsections (1)(D) and (E) of 4 CSR 240-3.330 and 4 CSR 240-3.635; 4 CSR 240-3.050(14) and (15).

⁴ Filed on March 19, 2009.

⁵ Every provision under which OPC may request a local public hearing describes the facts to which it applies. Until either the agreement is filed, or the time for filing it has passed, such facts are unknown. In this case, OPC may file its request "after" the filing of the agreement under subsection (1)(E) of 4 CSR 240-3.330 and 4 CSR 240-3.635. All other such provisions also depend on the facts of the agreement. In

THE COMMISSION ORDERS THAT:

1. The regulatory law judge assigned to this case shall convene a local public meeting in the Public Meeting Room of the City Hall, north entrance, 500 South Oak, California, Missouri 65018, on June 22, 2009.
2. The meeting will begin with a question-and-answer session at 5:00 p.m.
3. The meeting will continue with a hearing at which persons interested in this action may testify starting at 6:00 p.m.
4. The assigned room meets accessibility standards required by the Americans with Disabilities Act and any person who needs additional accommodations to participate in the pre-hearing conference shall alert the Public Service Commission before the hearing by calling the Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711.
5. The Data Center of the Missouri Public Service Commission shall serve a copy of this order upon the County Commission of Moniteau County, Missouri.
6. The Public Information Office of the Missouri Public Service Commission shall make notice of this order available to members of the General Assembly representing the residents in the water and sewer service areas of Hickory Hills Water & Sewer Co., Inc.

addition to the authority cited in footnote 3, OPC may request a local public hearing when Staff files a partial agreement providing for arbitration under 4 CSR 240-3.050(16). By contrast, there is no provision for OPC to request a local public hearing when no agreement is possible on any issues between the company and Staff, or when an agreement resolves all issues between the company, Staff and OPC. Subsection (1)(C) and (G) of 4 CSR 240-3.330 and 4 CSR 240-3.635; and 4 CSR 240-3.050(13) and (23). Thus, until the agreement is filed, or the time for filing has passed, the facts relevant to OPC's request are absent. Nevertheless, in these actions, the Commission elected to waive a showing of such facts under 4 CSR 240-2.015, applied through 4 CSR 240-3.015.

7. This order shall become effective immediately upon issuance.

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)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of May 2009.