

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19th day of February, 2014.

In the Matter of a Small Utility Rate Case )  
Procedure for Rogue Creek Utilities, Inc. )

**File No. SR-2013-0435**

In the Matter of a Small Utility Rate Case )  
Procedure for Rogue Creek Utilities, Inc. )

**File No. WR-2013-0436**

**ORDER APPROVING UNANIMOUS AGREEMENT  
IN SMALL COMPANY RATE CASE**

Issue Date: February 19, 2014

Effective Date: March 1, 2014

On March 27, 2013, Rogue Creek Utilities filed a request to increase rates for its water and sewer services. The company sought increases of \$48,565.00 and \$40,425.00 for its sewer and water operations, respectively. Rogue Creek provides service to approximately 100 water customers and 95 sewer customers in Washington County, Missouri. The company has been in receivership since November 9, 2007, and under control of the current receiver, Johansen Consulting Services, since June 11, 2012. To relieve the company of immediate financial obligations which were necessary to provide safe and reliable water and sewer service, the Commission approved an agreement between the parties granting interim rate relief. The interim rates were set pending final resolution of case. The following interim rates were approved on May 31, 2013:

<u>Regular monthly service charge</u>	<u>Interim Rate A</u>	<u>Interim Rate B</u>
Water \$11.51	\$7.97	\$9.89
Sewer \$15.46	\$5.61	\$10.18

Interim Rate A is subject to refund and Interim Rate B was set for specific financial needs of the company and expired on November 30, 2013.<sup>1</sup>

On November 8, 2013, the Staff of the Commission and the company filed a Disposition Agreement on some issues but requested arbitration on the remaining, unresolved issues. The Office of the Public Counsel opposed the agreement and requested an evidentiary hearing. Thereafter, Public Counsel informed the Commission that a resolution was reached and that an agreement would soon be filed.

On February 4, 2014, the Office of the Public Counsel and Rogue Creek filed a Notice of Company/Public Counsel Agreement Regarding Disposition of Small Company Rate Increase Request. The agreement provides for an increase in annual sewer operations of \$36,453.00 and \$25,521.00 in its annual water system operating revenues. The company and Public Counsel inform the Commission that the Staff of the Commission and the Department of Natural Resources, the remaining parties to this case, do not oppose the Agreement.

The agreed-upon rates, with a tariff effective date of March 1, 2014, are as follows:

Water:	Residential \$23.06 <sup>2</sup>	Commercial \$230.60	Commodity Charge \$3.89 per 1,000 gallons
Sewer:	Residential \$44.16/mo.	Commercial \$441.60/mo.	

<sup>1</sup> EFIS Item No. 19, Order Approving Unanimous Agreement and Approving Tariff.

<sup>2</sup> The monthly bill for the average household, using 6,000 gallons/month would be \$46.40.

Parties may propose a resolution of a contested case by filing a stipulation and agreement.<sup>3</sup> The Commission may then resolve the case based on that agreement.<sup>4</sup> The Commission notes that Staff and the Department of Natural Resources are parties to this case but not signatories to the agreement. The agreement is therefore not unanimous. However, if a party does not object to the agreement within 7 days of its filing, the Commission may treat the agreement as unanimous.<sup>5</sup> More than 7 days have expired and no party has filed an objection to the agreement. The Commission will therefore treat the agreement as unanimous.

Because this file is being disposed of by agreement, the Commission need not make findings of fact or conclusions of law.<sup>6</sup> However, the Commission independently concludes that the agreement is consistent with the public interest and is reasonable. Having so concluded, the Commission will approve the agreement, which is attached to this order.

**THE COMMISSION ORDERS THAT:**

1. The Agreement Regarding Disposition of Sewer and Water Revenue Increase Requests between Rogue Creek Utilities, Inc. and The Office of the Public Counsel is approved and the parties shall abide by its terms.

2. The tariff sheet P.S.C. MO No. 4, Canceling P.S.C. MO No. 2, original Sheet No. 6, bearing tariff file number YS-2014-0221, is approved to become effective on March 1, 2014.

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<sup>3</sup> Commission rule 4 CSR 240-2.115(1)(A).

<sup>4</sup> Commission rule 4 CSR 240-2.115(1)(B).

<sup>5</sup> Commission rule 4 CSR 240-2.115(2).

<sup>6</sup> Section 536.090, RSMo.

3. The tariff sheet P.S.C. MO No. 3, Canceling P.S.C. MO No. 2, Original Sheet No. 6, bearing tariff file number YW-2014-0222, is approved to become effective on March 1, 2014.

4. This order shall become effective on March 1, 2014.

5. This file shall be closed on March 2, 2014.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris Woodruff  
Secretary

R. Kenney, Chm., Stoll, W. Kenney,  
and Hall, CC., concur.

Jones, Senior Regulatory Law Judge