

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

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)
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**THE OFFICE OF THE PUBLIC COUNSEL’S OBJECTION AND
REQUEST TO SUSPEND TARIFFS**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Objection and Request to Suspend Tariffs states as follows:

1. On March 27, 2013, Rogue Creek Utilities, Inc. (Rogue Creek) initiated small company rate increase proceedings with the Missouri Public Service Commission (Commission) requesting an increase of \$48,565 (278%) in its total annual sewer service operating revenues and an increase of \$40,425 (254%) in its total annual water service operating revenues.
2. Additionally, Rogue Creek submitted proposed revised tariff sheets designed to implement interim increases in its sewer and water rates, as well as special surcharges related to its sewer and water services. The proposed revised tariff sheets bear an effective date of April 26, 2013. Rogue Creek provides no explanation as to why it is requesting interim rates and surcharges, nor does it explain what the surcharges are for or what the money collected through the surcharges will be used for. Rogue Creek states that the interim rates and surcharges will be subject to refund and/or change pending the resolution of the small rate case procedures.

However, the language in the proposed revised tariff sheets does not indicate that the surcharges would be subject to refund.

3. Public Counsel now objects to the proposed revised tariffs. Rogue Creek offers no proof to the Commission that its request to implement an interim rate or a surcharge is just and reasonable in either of these cases. Rogue Creek does not allege any sort of emergency or any sort of threat to its ability to provide safe and adequate service. Rogue Creek simply wants to increase its rates more quickly than would normally be the case under the already abbreviated small company rate case procedure. Because of this, the Commission's analysis is very different than it would be in a case where the utility alleged an emergency. In an emergency situation, the Commission would analyze factors including the depth of the emergency, the actions that the utility had taken to minimize it, and the risk of harm. None of those are considerations here.

4. Here, the only question for the Commission to consider is whether the decades-old procedure for considering rate increase requests is so unfair to Rogue Creek that the Commission should abandon it. It is not reasonable for the Commission to subject the customers to a change in rates before an audit of the system can be performed and all parties have the chance to review and determine their positions on the request. Even subject to refund, it is not fair for the customers to be forced to bear the burden of risk for the utility or to be forced to provide their hard earned money for the utility's use for an extended period of time without a finding by the Commission that the rates are just and reasonable. Therefore, Public Counsel strongly urges the Commission not to abandon the time-tested rate case approach and asks that the Commission deny Rogue Creek's request for interim increases in its sewer and water rates, as well as its request for special surcharges related to its sewer and water services.

5. Section 393.150 RSMo 2000 provides that the Commission may suspend tariff sheets for a maximum period of 120 days plus six months. Therefore, Public Counsel requests that the Commission suspend the proposed revised tariff sheets for the maximum period or at the very least for a sufficient period to allow adequate time for subsequent case disposition through the small rate case procedure as appropriate.

WHEREFORE, Public Counsel respectfully submits its objection and request to suspend tariffs.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)
Deputy Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-5565
(573) 751-5562 FAX
christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 2nd day of March 2013:

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Kevin Thompson
General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Kevin.Thompson@psc.mo.gov

Dale Johansen
Rogue Creek Utilities, Inc.
915 Country Ridge Drive
Jefferson City, MO 65109
dalewjconsult@gmail.com

/s/ Christina L. Baker
