

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

In the Matter of the Application of Lincoln )  
County Sewer and Water, LLC for Approval of ) **File No. SR-2013-0321**  
a Rate Increase )

In the Matter of the Application of Lincoln )  
County Sewer and Water, LLC for Approval of ) **File No. WR-2013-0322**  
a Rate Increase )

**ORDER ADOPTING PROPOSED PROCEDURAL SCHEDULE  
AND GRANTING WAIVER**

Issue Date: August 26, 2013

Effective Date: August 26, 2013

On December 4, 2012, Lincoln County Sewer and Water, LLC filed a request for an increase in its sewer operating revenues of \$13,382.00 and \$7,569.00 in its water revenues.

On July 2, 2013, the Staff of the Commission informed the Commission that Staff and the company were unable to reach an agreement and requested an evidentiary hearing. The Commission directed the parties to file a proposed procedural schedule, which was filed on August 16, as such:

Local Public Hearing	August 20, 2013
Direct Testimony	September 4
Rebuttal Testimony	September 25
Data Request response time changes to 5 business days, with 2 business days to object	September 26
Surrebuttal Testimony	October 16
Close of Discovery	October 18

List of Issues/Witnesses and order of cross/openings	October 25
Statement of Positions	October 30
Hearing	November 5-6
Briefs	November 22

The Commission notes that, in accordance with the procedural schedule, a Local Public Hearing was held on August 20.

Commission rule 4 CSR 240-3.050(24) requires that a proposed resolution of this case be submitted to the Commission within 9 months after the case is opened, or September 4, 2013, and that the Commission's order resolving the case be issued and effective by November 4. However, with the number of issues and scheduling conflicts with witnesses and attorneys, the parties agree that this time frame is unrealistic and request a waiver of rule 4 CSR 240-3.050(24).

**Discussion**

The parties have not yet reached an agreement. This case will therefore proceed as a contested case, as permitted through Commission rule 4 CSR 240-3.050(21). This rule requires that the case be resolved consistent with the requirements of 3.050(24) and consistent with the requirements of due process, and fairness to participants and to the ratepayers.

As pleaded by the parties, the number of issues and scheduling conflicts prevent them from submitting this matter to the Commission by September 4. These practical concerns are relevant to fairness and due process. Further, a Local Public Hearing was

held on August 20, just 15 days prior to September 4. Testimony given at the Local Public Hearing may have raised additional issues the parties might want to address.

The Commission finds it necessary that due process be observed and that the procedural schedule is fair to the parties. This case cannot be resolved within 11 months while observing those requirements. Additionally, the law<sup>1</sup> requires that just and reasonable rates are set. The Commission's extension of the 11-month deadline will serve due process and fairness and ultimately the setting of just and reasonable rates. The Commission will therefore grant the requested waiver and approve the proposed procedural schedule.

**THE COMMISSION ORDERS THAT:**

1. The parties request for waiver of Commission rule 4 CSR 240-3.050(24) is granted.
2. The proposed procedural schedule is approved and the parties shall comply with the agreed-upon discovery requirements.
3. An evidentiary hearing shall be held on November 5 and 6, 2013, beginning at 9:00 a.m., in room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

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<sup>1</sup> Section 393.130.1, RSMo; and, Commission rule 4 CSR 240-3.050(25).

4. This order shall become effective upon issuance.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26<sup>th</sup> day of August, 2013.