

4. On July 25, 2013, the Commission issued an *Order Directing Staff to File Expedited Recommendation and Establishing Time for Other Parties to Offer Recommendations*. On the same day, the Office of the Public Counsel (Public Counsel) filed an *Objection to Motion for Expedited Treatment of Tariff Sheets Filed in Compliance with the Commission Report and Order*.

5. On July 30, 2013, Public Counsel filed *The Office of the Public Counsel's Objections to Proposed Tariffs*, which outlined several concerns with sewer tariff sheet numbers 4 and 12 and water tariff sheet numbers 28 and 32, including concerns that provisions in the proposed tariffs violate a Missouri appellate court decision regarding liability for damage due to negligence.

6. Staff and the Company had been having ongoing discussions regarding the compliance tariffs and, on July 30, 2013, the Company filed substitute tariff sheets. These sheets address Staff's concerns with sewer tariff sheet number 4, sewer tariff sheet number 12, and water tariff sheet number 32, as referenced in Public Counsel's *Objections*. The Company's substitute water tariff sheet number 28 also addresses a spacing issue but does not address Public Counsel's concerns regarding application of the Court of Appeals decision referenced above. Staff is of the opinion that the relevant language in the proposed sewer tariff sheet number 12 should be removed but does not agree with Public Counsel that the relevant language in the proposed water tariff sheet number 28 should be removed.

7. In compliance with the Commission's July 25, 2013 *Order*, Staff has examined the Company's filed tariffs and substitute sheets. James M. Russo, Rate and Tariff Examination Supervisor in the Water & Sewer Department of the Missouri Public

Service Commission, participated in the review of tariff PSC MO No. 2 in Tracking No. YW-2014-0035 and tariff PSC MO No. 3 in Tracking No. YS-2014-0036 and states that, to the best of his knowledge, information, and belief, the tariffs are true and correct and comply with the terms of the *Report and Order* in this case. The Affidavit of James M. Russo is attached here as Appendix A and incorporated by reference.

WHEREFORE, Staff submits this recommendation to the Commission stating that the tariffs filed in this case and pending in Tariff Tracking Nos. YW-2014-0035 and YS-2014-0036 comply with the terms of the Commission's *Report and Order*.

/s/ Amy E. Moore
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 30th day of July, 2013.

/s/ Amy E. Moore

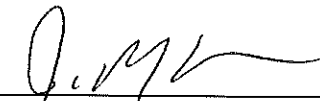
BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

AFFIDAVIT OF JAMES M. RUSSO

In the Matter of the Request for an Increase)
in Sewer Operating Revenues of Emerald)
Pointe Utility Company) Case No. SR-2013-0016


STATE OF MISSOURI)
) SS
COUNTY OF COLE)

COMES NOW James M. Russo, being of lawful age, and on his oath states the following: (1) that he is the Rate and Tariff Examination Supervisor in the Water & Sewer Department of the Missouri Public Service Commission; (2) that he participated in the review of tariffs PSC MO No. 2, Tariff Tracking No. YW-2014-0035 and PSC MO No. 3, Tariff Tracking No. YS-2014-0036; and (3) that to the best of his knowledge, information and belief, the tariffs as set forth in paragraph 2 is true and correct and complies with the terms of *the Report & Order* Issued in this case.



James M. Russo
Rate & Tariff Examination Supervisor
Water and Sewer Department

Subscribed and sworn to before me this 29th day of July, 2013.



Notary Public

