

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

In the Matter of West 16th Sewer Company's) Case No. SR-2008-0389
Small Company Rate Increase)

**STAFF'S RESPONSE TO APPLICANTS WITHDRAWAL
OF RATE INCREASE REQUEST**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through Counsel, and files this Response to West 16th Sewer Company's (West 16th or Company) Withdrawal Of Sewer Utility Small Company Rate Increase Request. For its Response, the Staff respectfully states to the Missouri Public Service Commission (Commission) the following:

1. On January 22, 2009, West 16th filed a letter with the Commission stating it was withdrawing its request for a rate increase in this matter.

2. Pursuant to the Commission’s small utility rate case procedure, 4 CSR 240-3.050 (23), “[i]f at any time after a case is opened the utility and the staff agree that an increase in the utility’s annual operating revenues is not necessary, or if the utility advises the staff that it no longer wishes to pursue an increase, the staff shall file a verified statement to that effect in the case file, whereupon the regulatory law judge *shall issue a notice closing the case.*” (emphasis added).

3. Attached hereto is Staff's affidavit as to its knowledge of the Company's request to withdrawal its request for a rate increase.

4. Additionally, 4 CSR 240-2.116 (1) provides “[a]n applicant....may voluntarily dismiss an application....without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties.”

5. Neither prepared testimony has been filed or oral evidence taken in this matter.

WHEREFORE, the Staff files this Response and prays for the Commission to take notice of West 16th Sewer Company's withdrawal of its rate increase request.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 23rd day of January, 2009.

/s/ Jennifer Hernandez

Jennifer Hernandez

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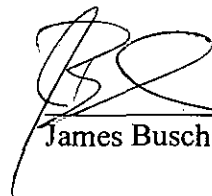
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Case No. SR-2008-0389

AFFIDAVIT OF JAMES BUSCH


STATE OF MISSOURI)
) ss
COUNTY OF COLE)

JAMES BUSCH, Manager – Water and Sewer Department, being of lawful age, on oath states: pursuant to 4 CSR 240-3.050 (23) Small Rate Case Procedure, if at any time after a case is opened the utility and the staff agree that an increase in the utility's annual operating revenues is not necessary, or if the utility advises the staff that it no longer wishes to pursue an increase, the staff shall file a verified statement to that effect in the case file, whereupon the regulatory law judge shall issue a notice closing the case; that on January 22, 2009, West 16th Sewer Company filed a Withdrawal of Sewer Utility Small Company Rate Increase Request; through the January 22, 2009 letter, West 16th Sewer Company advised Staff that it no longer wishes to pursue its Sewer Utility Small Company Rate Increase Request; that this affidavit serves as a verified statement made by Staff in SR-2008-0389, that West 16th Sewer Company no longer wishes to pursue an increase; and that such matters are true and correct to the best of my knowledge and belief.


James Busch

Subscribed and sworn to before me this 23rd day of January, 2009.




Notary Public

ROSEMARY R. ROBINSON
Notary Public - Notary Seal
State of Missouri
Commissioned for Callaway County
My Commission Expires: September 23, 2012
Commission Number: 08499510