

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

FILED  
January 13, 2011  
Data Center  
Missouri Public  
Service Commission

In the Matter of Small Company Rate Increase of )  
Timber Creek Sewer Company )

File No. SR-2010-0320

**UNANIMOUS STIPULATION OF UNDISPUTED FACTS**

Timber Creek Sewer Company, the Staff of the Missouri Public Service Commission, and the Office of the Public Counsel, (collectively known as "the Parties"), stipulate that the statements set forth below are true and undisputed for purposes of the captioned matters only and do not constitute admissions by the parties for any other purpose. Additionally, no undisputed statement or fact herein contained may be used against any party in any other proceeding. With the exception of objections based upon relevancy and materiality, the statements set forth herein are otherwise unobjectionable:

**Identity of the Parties**

1. Timber Creek Sewer Company (Timber Creek) is a corporation organized under the laws of the State of Missouri in good standing with its principal place of business at 18305 Cable Bridge Road, Platte City, MO 64079. Timber Creek possesses a certificate of convenience and necessity issued by the Commission in PSC Case No. SA-95-110 and went into effect on June 1, 1995, to provide sewer service in Missouri. Timber Creek is a sewer corporation pursuant to Section 386.020(49) RSMo (2009), and subsequently a public utility within the meaning of 386.020(42) RSMo (2009); thereby subject to the jurisdiction of the Commission pursuant to Section 386.250(3) and (4) RSMo (2000) respectively.

2. The Staff of the Missouri Public Service Commission (Staff) is a party to this case pursuant to Section 386.071 RSMo (2000) and Commission Rule 4 CSR 240-2.010(11).

3. The Office of Public Counsel (OPC) is a party to this case pursuant to Section 386.710(2) RSMo (2000) and by Commission Rule 4 CSR 240-2.010(11).

#### Rate Case Events

4. Timber Creek provides sewer service to approximately 1,526 customers in Platte and Clay Counties, Missouri.

5. On May 10, 2010, the Missouri Public Service Commission (Commission) received a request letter from Timber Creek seeking to change its gross annual revenue and commencing the small sewer utility rate case designated File No. SR-2010-0320.

6. On October 7, 2010, the Parties filed a *Unanimous Partial Agreement Regarding Disposition of Small Sewer Company Revenue Increase Request*. (Partial Agreement) This Partial Agreement resolved all the issues except for: (1) salaries/overtime/timesheets; (2) rate case expense; (3) alternative energy source/gas well; (4) Public Service Commission Assessment; and (5) contingency/emergency repair fund.

7. On October 18, 2010, Timber Creek filed its *Stipulation of Timber Creek Sewer Company to Factual Assertions in Attachments to Unanimous Partial Agreement*.

8. On October 20, 2010, Public Counsel filed *The Office of Public Counsel's Stipulation* which it stipulated to the factual assertions contained in Attachments A and B to the *Unanimous Partial Agreement*.

9. On October 7, 2010, Staff filed a *Request to Open Contested Case*. On the same day, the Commission issued an *Order Directing Notice of Contested Case*.

10. A local public hearing was held on November 17, 2010 at Platte City High School, 1501 Branch Street, Platte City, Missouri.

11. Section 386.370, RSMo (2000) defines the Public Service Commission Assessment to be charged to each entity regulated by the Commission.

Respectfully submitted,

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Attorneys for Timber Creek Sewer Company

#### **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 29<sup>th</sup> day of December, 2010.

/s/ Jaime N. Ott