

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

The Office of the Public Counsel,                     )  
An agency of the State of Missouri,                 )  
COMPLAINANT   )

v.   )

**Case No. SC-2013-0332**

West 16th Street Sewer Company, Inc.,             )  
A Missouri regulated sewer corporation,           )  
RESPONDENT   )

**THE OFFICE OF THE PUBLIC COUNSEL’S REPORT TO THE COMMISSION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Report to the Commission states as follows:

1. On December 12, 2012, Public Counsel filed the above stated Complaint against West 16th Street Sewer Company, Inc. (West 16th) with the Missouri Public Service Commission (Commission) pursuant to Section 386.390, RSMo, and 4 CSR 240-2.070.
2. On January 17, 2013, Public Counsel filed a Motion to Suspend Procedural Schedule requesting that the Commission suspend the filing of a Procedural Schedule in order to provide sufficient time for Staff and Public Counsel to complete an audit of the utility and file the results of any audit with the Commission.
3. On January 17, 2013, the Commission issued its Order Denying Request for Default, Granting Leave to Late File Answer, and Suspending Requirement to File a Procedural Schedule which ordered the parties to file a report by April 17, 2013, indicating the status of Staff’s (and Public Counsel’s) audit of West 16th Street Sewer Company and indicating when the parties will file a proposed procedural schedule.

4. Public Counsel now states that it has completed an audit of West 16th, the results of which are shown in Attachment A – Public Counsel’s Accounting Schedules. Public Counsel’s audit indicates that West 16th is over earning by approximately \$3,903 per year.

5. Therefore, Public Counsel restates the allegations set forth in paragraphs 1 through and including 5 of its Complaint based on its information, knowledge and belief that current sewer rates and charges are unjust and unreasonable in that these rates and charges produce over earnings of approximately \$3,903 per year and renews its prayer that:

(1) the Missouri Public Service Commission hold an evidentiary hearing on this Complaint in accordance with the statutes and the Missouri Public Service Commission rules, and;

(2) the Missouri Public Service Commission issue an order in favor of the Office of the Public Counsel and against West 16th Street Sewer Company, Inc. on each Count of this Complaint, and;

(3) the Missouri Public Service Commission make findings of fact accompanied by conclusions of law that West 16th Street Sewer Company, Inc.’s current sewer rates and charges are unjust and unreasonable in that these rates and charges produce over earnings reflecting a rate of return in excess of that allowed by the Missouri Public Service Commission, and;

(4) the Missouri Public Service Commission issue an order directing West 16th Street Sewer Company, Inc. to file appropriate tariffs to reduce current sewer rates and charges and to otherwise implement the Missouri Public Service Commission’s decision in this Complaint, and;

6. the Missouri Public Service Commission grant such further and additional relief as it deems appropriate and necessary.

**WHEREFORE**, Public Counsel respectfully submits its Report.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Christina L. Baker**

By:\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 17<sup>th</sup> day of April, 2013:

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/s/ Christina L. Baker

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