

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

In the Matter of S. K. & M. Water and Sewer) **Case No. WR-2007-0460**
Company's Rate Increase Request) Tariff No. YW-2007-0864

In the Matter of S. K. & M. Water and Sewer Company's Rate Increase Request) **Case No. SR-2007-0461**
) **Tariff No. YS-2007-0865**

ORDER DIRECTING S. K. & M. WATER AND SEWER COMPANY
TO RESPOND TO THE OFFICE OF THE PUBLIC COUNSEL’S
MOTION TO COMPEL

Issue Date: June 21, 2007

Effective Date: June 21, 2007

On October 19, 2006, S. K. & M. Water and Sewer Company (“S. K. & M.”) initiated small water and sewer company rate increase actions pursuant to Commission Rules 4 CSR 240-3.330 and 4 CSR 240-3.635. On May 31, 2007,¹ after working with the Commission’s Staff, S. K. & M. filed tariffs, bearing effective dates of July 16, 2007, designed to increase its rates for water and sewer service.² On June 7, 2007, Staff filed Company/Staff Agreements Regarding Disposition of Small Water Company Rate Increase Request and Disposition of Small Sewer Company Rate Increase Request (“Disposition Agreements”). OPC did not join the Disposition Agreements, but it has also not stated a

¹ S. K. & M. agreed to two extensions of the 150-day tariff rule, and S. K. & M. filed its written consent to these extensions pursuant to Commission Rules 4 CSR 240-3.330(1)(F) and 4 CSR 240-3.635(1)(F). S. K. & M.'s cover letters and dates of issue on its submitted tariffs was June 1, 2007.

² Staff provided the Office of Public counsel the results of its investigation and its recommendations for resolutions of S. K. & M.'s request.

position at this time as to whether it agrees or disagrees with S. K. & M.'s tariffs. A local public hearing in this matter is scheduled for June 25, 2007.

On June 21, 2007, OPC filed a Motion to Compel Discovery and a Request for Expedited Treatment of that motion. OPC states that on April 10, 2007, it sent a series of data requests to S. K. & M. requesting information designed to clarify concerns of improper charges by the utility. S. K. & M. did not respond. On May 10, 2007, OPC mailed a follow up letter to S. K. & M. again seeking answers to the data requests, and on May 16, 2007, S. K. & M. sent a letter to OPC stating that its data requests were improper as part of the small utility rate request procedure and denied any obligation to respond.

On May 17, 2007, OPC mailed another letter to S. K. & M. stating that any objection to OPC's data requests were untimely as they were not served in writing within the required ten (10) days, and that OPC's data requests were proper under Section 386.450, RSMo 2000. OPC's May 17, 2007 letter again sought answers to the April 10, 2007 data requests, but none were received. OPC requested an informal discovery conference which was held on June 21, 2007, with Judge Stearley, S. K. & M., Staff and OPC all in attendance.

Having fulfilled the requirements of the Commission's Discovery Rule, 4 CSR 240-2.090, OPC now seeks an order compelling discovery. OPC also seeks expedited treatment of that motion, given the effective date of the proposed tariffs filed by S. K. & M. is rapidly approaching. Consequently, the Commission will direct S. K. & M. to respond to OPC's Motions no later than 8:00 a.m. Monday, June 25, 2007. Any other party wishing to file a response to OPC's motions will also be governed by that deadline.

IT IS ORDERED THAT:

1. No later than 8:00 a.m., June 25, 2007, S. K. & M. Water and Sewer Company shall respond to the Office of the Public Counsel's Motion to Compel Discovery and Motion for Expedited Treatment.
2. Any other party wishing to respond to Office of the Public Counsel's Motion to Compel Discovery and Motion for Expedited Treatment shall do so no later than 8:00 a.m., June 25, 2007.
3. This order shall become effective on June 21, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of June, 2007.