

**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-2015-0152

Central Rivers Wastewater Utility, Inc.,)
A Missouri regulated sewer corporation,)
RESPONDENT)

**THE OFFICE OF THE PUBLIC COUNSEL’S RESPONSE TO
REQUEST FOR MEDIATION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response to Request for Mediation, states as follows:

1. On December 24, 2014, Public Counsel filed a complaint with the Missouri Public Service Commission (Commission) against Central Rivers Wastewater Utility, Inc. (Central Rivers). In its complaint, Public Counsel stated that Central Rivers is and has been aware that the charged amounts for STEP connections are and were in excess of the charges included in its current Commission-approved tariff but has taken no active steps to refund the overcharged amounts to those that were unjustly and unreasonably overcharged. Additionally, Public Counsel stated that Central Rivers is and has been aware of the requirement to return customer deposits with interest per Missouri Public Service Commission Rule 4 CSR 240-13.030 and in its current Commission-approved tariff, but has taken no active steps to do so.

2. On December 30, 2014, the Commission issued its *Order Giving Notice of Contested Case, Directing Respondent to File Answer and Directing Staff Investigation* stating:

The Commission will set a deadline for Central Rivers to file an answer. In the alternative, Central Rivers may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not OPC is also willing to submit to voluntary mediation. If OPC agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed. If OPC declines the opportunity to seek mediation, Central Rivers will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

Per the required 30-day time period, the Commission ordered Central Rivers to file an answer to the complaint or a request for mediation no later than January 29, 2015. The Commission also ordered the Staff of the Missouri Public Service Commission (Staff) to file a report with the Commission no later than February 5, 2015.

3. On January 29, 2015, the very last day of the required 30-day time period, Central Rivers filed its *Request for Mediation and to Suspend Schedule* which requested mediation and a suspension of the date for the filing of an answer until such time as mediation can be scheduled and conducted.

4. Also on January 29, 2015, the Commission issued its *Order Setting Deadline for Response to Request for Mediation and Suspending Deadlines* which suspended the deadline for Central Rivers to file an answer until otherwise ordered by the Commission and required Public Counsel to file a response to Central River's mediation request no later than February 4, 2015.

5. Public Counsel now states that it has no objection to Central Rivers' request for mediation as long as mediation is concluded in a timely manner.

6. Public Counsel's complaint includes significant amounts due to customers on which interest continues to accrue. Additionally, the original 30-day time period expired on the date of Central Rivers' mediation request. It is not just and reasonable for the customers or Central

Rivers to continue to accrue such interest due to a prolonged mediation process which is not even binding on the parties.

7. Therefore, Public Counsel asks the Commission to limit the amount of time for the mediation to no longer than three months. At the end of three months, if no significant progress has been made to come to a binding resolution, Public Counsel asks that the Commission set an expedited deadline by which an answer or notice of satisfaction must be filed.

WHEREFORE, the Office of the Public Counsel respectfully submits its response.

Respectfully submitted,

THE OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

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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 2nd day of February, 2015:

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