

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Small Company Rate Increase,)
Of Timber Creek Sewer Company) **File No. SR-2010-0320**

ORDER DIRECTING FILING

Issue Date: October 14, 2010

Effective Date: October 14, 2010

On October 7, 2010, the Commission's Staff filed a Unanimous Partial Agreement (Partial Agreement") purporting to resolve certain issues in this matter. There are two attachments to the Partial Agreement; a schedule of depreciation rates and the "Report of Customer Service and Business Operations Review" from the Staff's Engineering and Management Services Department. Guy C. Gilbert, one of the Commission Utility Regulatory Engineers, has filed an affidavit swearing to accuracy of the information with regard to the schedule of depreciation rates. Nila S. Hagemeyer, one of the Commission's Utility Management Analysts, has filed an affidavit swearing to accuracy of the information in the "Report of Customer Service and Business Operations Review."

There is no evidentiary record in this case. And, while Timber Creek and Public Counsel are signatories to the Partial Agreement, no party representative for these entities has stipulated to the factual assertions in the attachments to the Partial Agreement. Incorporating an attachment by reference, or agreeing to a specific recommendation within an attachment, is not the same as an agreement to facts asserted in the attachments. Without a stipulation to these factual assertions, the Commission has no record on which to make a decision on the agreement.

The Commission will set a deadline to give the agreement's signatories an opportunity to file a stipulation to the factual assertions in the attachments to the Partial Agreement. If there are any disagreements as to any material factual assertions in these attachments, the parties shall affirmatively so state.

THE COMMISSION ORDERS THAT:

1. No later than October 25, 2010, the parties shall file pleadings as directed in the body of this order.
2. This order is effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 14th day of October, 2010.