

**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.)

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

Case No. _____

THE OFFICE OF THE PUBLIC COUNSEL’S COMPLAINT

COMES NOW the Office of the Public Counsel and for its Complaint, pursuant to Section 386.330.2, RSMo, states as follows:

1. The Office of the Public Counsel is an agency of the State of Missouri and pursuant to the statutory authority in Sections 386.700 and 386.710, RSMo, represents the public in all proceedings before the Public Service Commission and on appeal before the courts. The mailing and business address is Office of the Public Counsel, PO Box 2230, Governor Office Building, 200 Madison Street, Suite 650, Jefferson City, Missouri, 65102. Public Counsel is authorized to file complaints against regulated utilities for the violation, or claimed violation, of any provision of law, or of any rule or order or regulation, or decision of the Missouri Public Service Commission, including the reasonableness of any rates or charges of any sewer corporation and any over earnings in excess of the earnings allowed and authorized by the Missouri Public Service Commission. Section 386.390, RSMo, and 4 CSR 240-2.070.

2. West 16th Street Sewer Company, Inc. is a utility regulated by the Missouri Public Service Commission under Chapters 386 and 393, RSMo, to provide sewer service. The mailing

address of West 16th Street Sewer Company, Inc. is 2111 W. Broadway Street, Sedalia, Missouri, 65301.

3. The Missouri Public Service Commission is a state administrative agency with the power and duty to regulate public utilities, including sewer corporations under Chapters 386 and 393, RSMo, and has jurisdiction in this complaint case to hear and decide Public Counsel's allegations of unreasonable rates and over earnings. Section 386.250, RSMo, relating to the jurisdiction of the Missouri Public Service Commission over sewer systems; Section 393.140, RSMo, relating to the general powers of the Missouri Public Service Commission with respect to sewer services; and Section 393.270, RSMo, providing for notice and hearing and the fixing of prices for sewer services and improvements. This Complaint is filed pursuant to Section 386.390, RSMo, and the Missouri Public Service Commission's rule regarding complaint cases, 4 CSR 240-2.070. The mailing address of the Missouri Public Service Commission is PO Box 360, Governor Office Building, 200 Madison Street, Jefferson City, Missouri, 65102.

COUNT I

ALLEGATIONS OF OVER EARNINGS FOR SEWER SERVICE OPERATIONS.

4. The Office of the Public Counsel restates the allegations set forth in paragraphs 1 through and including 3 of its Complaint.

5. The Office of the Public Counsel has reviewed West 16th Street Sewer Company, Inc.'s Annual Report filed with the Commission on April 23, 2012. (Attachment A) Based on its information, knowledge and belief, the Office of the Public Counsel states 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 of approximately \$14,000 per year.

WHEREFORE, Public Counsel submits its Complaint, pursuant to Section 386.390, RSMo, and prays that:

(1) the Missouri Public Service Commission issue an order to provide the statutory notice of the filing of this Complaint and thereafter, hold an evidentiary hearing on the 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;

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

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)

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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 12th day of December, 2012:

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/s/ Christina L. Baker
