

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

In the Matter of the Application of Hickory Hills     )  
Water & Sewer Co., Inc., the Staff of the Missouri     )  
Public Service Commission and the Office of the     )  
Public Counsel for Approval of Their Unanimous     )  
Stipulation and Consent Order for Appointment     )  
of Interim Receiver and Order to General Counsel     )  
to Petition the Circuit Court of Cole County for     )  
Appointment of a Receiver.     )

**Case No. WO-2007-0036**

**MOTION REQUESTING COMMISSION TO ISSUE**  
**AN ORDER DIRECTING INTERIM RECEIVER**  
**AND OPERATOR TO APPEAR**

COMES NOW the Office of the Public Counsel and for its Motion Requesting Commission to Issue an Order Directing Interim Receiver and Operator to Appear, states as follows:

1. On October 20, 2006, the Commission issued its Order Scheduling On-The-Record Presentation for October 27, 2006. The Commission indicated that it has questions regarding the July 25, 2006 Unanimous Stipulation and Consent Order filed in Case No. WR-2006-0250 by the Staff of the Missouri Public Service Commission (Staff), the Office of Public Counsel (Public Counsel), and Hickory Hills Water & Sewer Co., Inc.

2. The Staff and the interim receiver, Mr. Cover, filed a Proposed Compensation Agreement on September 25, 2006. The Public Counsel was not a signatory to the agreement due to concerns about the proposed compensation for Mr. Cover, as the interim receiver, and Mr. Arl, as the operator of the water and sewer facility.

3. Public Counsel believes that the issue of what constitutes just and reasonable compensation is still at issue in this case. Public Counsel believes that the testimony of the interim receiver and operator is crucial to that determination.

4. Public Counsel wishes to note that the subpoena procedure for on-the-record testimony would normally require 20 days to facilitate and the Commission order gave only 7 calendar days between the Order date of October 20, 2006 and the Presentation date of October 27, 2006. Therefore, the subpoena procedure is not available to Public Counsel in this situation.

**WHEREFORE**, the Office of the Public Counsel respectfully requests the Commission issue an order directing Mr. Cover, as interim receiver, and Mr. Arl, as operator, to appear at the October 27, 2006 On-The-Record Presentation.

Respectfully submitted,

OFFICE OF THE Public Counsel

**/s/ Christina L. Baker**

By: \_\_\_\_\_  
Christina L. Baker (#58303)  
Assistant Public Counsel  
P O Box 2230  
Jefferson City, MO 65102  
(573) 751-5565  
(573) 751-5562 FAX  
[christina.baker@ded.mo.gov](mailto:christina.baker@ded.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 23<sup>rd</sup> day of October 2006:

Peggy Whipple  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
[peggy.whipple@psc.mo.gov](mailto:peggy.whipple@psc.mo.gov)

Hickory Hills Water & Sewer  
Company, Inc.  
Kenneth McCutcheon, Jr.  
P.O. Box 5  
110 North Monroe  
Versailles, MO 65084  
[tdkklaw@dam.net](mailto:tdkklaw@dam.net)

**/s/ Christina L. Baker**

---