

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

In the Matter of the Small Company Rate)
Increase Request of Hickory Hills Water &) Case No. WR-2006-0250
Sewer Company, Inc.)

**REQUEST FOR IMMEDIATE ORDER AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel and for its Request for Immediate Order and Motion for Expedited Treatment states as follows:

1. On or about June 26, 2006, Randy Clifford, the owner and operator of Hickory Hills Water and Sewer Company, Inc. mailed a letter to each of the customers of Hickory Hills. A copy of the letter is attached to the *ex parte* notice filed in this case on June 29, 2006. In that letter, Mr. Clifford threatened to take certain actions in retaliation for the Commission’s June 15, 2006 Report and Order that denied the company its hoped-for rate increase. The action that has the most immediate health and safety concerns is the threatened discontinuation of chlorination. The Missouri Department of Natural Resources mandates disinfection with an effective contact time, and the means that Hickory Hills has used to provide that disinfection is chlorination. Without chlorination, there is a very real possibility that customers could become ill from contaminants in the water provided by Hickory Hills.

2. Although it appears that Mr. Clifford has not yet followed through on the threat to discontinue chlorination, there is no reason to believe that he will not do so; he has neither committed to the Commission that he will not, nor has he informed the customers that he has not. Some of the customers are now routinely testing their water for chlorine because they do not know when or if Mr. Clifford will make good on his threat.

3. Section 386.310.1 RSMo 2000 provides that the Commission

may waive the requirements for notice and hearing and provide for expeditious issuance of an order in any case in which the commission determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property, provided that the commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order.

Because discontinuation of chlorination could cause serious harm, and because the threat of discontinuation is imminent, the Commission should immediately order Hickory Hills to: A) continue chlorination; and B) immediately provide notice to its customers that it has not and will not discontinue chlorination. Pursuant to Section 386.310.1, the Commission should offer Hickory Hills the opportunity for hearing as soon as practicable after the issuance of such order.

4. In support of its request for expedited treatment pursuant to 4 CSR 240-2.080(16), Public Counsel states that it desires the Commission to act as soon as possible and in no event later than July 18, 2006, that the harm that will be avoided is described above, and that this pleading was filed as soon as it could have been.

WHEREFORE, Public Counsel respectfully requests that the Commission: A) immediately order Hickory Hills to continue chlorination; B) immediately order Hickory Hills to immediately provide notice to its customers that it has not and will not discontinue chlorination; and C) offer the opportunity for hearing as soon as practicable after the issuance of such order.

Respectfully submitted,

OFFICE OF THE Public Counsel

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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 13th day of July 2006:

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