

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 12th day
of August, 2009.

In the Matter of Osage Water Company, Inc.'s)	<u>File No. WR-2009-0149, et al</u>
Request for a Rate Increase)	Tariff Nos. YW-2009-0830 and
)	YS-2009-0827

**ORDER APPROVING UNANIMOUS DISPOSITION AGREEMENTS AND
AUTHORIZING TARIFF FILINGS**

Issue Date: August 12, 2009

Effective Date: August 22, 2009

On October 23, 2008, Osage Water Company, Inc. initiated small company revenue increase requests for both water and sewer service, pursuant to Commission Rule 4 CSR 240-3.050. The Commission assigned the water rate increase request file number WR-2009-0149, and assigned the sewer rate increase request file number SR-2009-0152. The Commission consolidated the two cases into file number WR-2009-0149 on July 14, 2009.

On May 21, the Commission's Staff filed disposition agreements executed by it and Osage Water in both the water and sewer cases. The Office of the Public Counsel did not sign either disposition agreement and initially opposed those agreements. Because of Public Counsel's opposition, the Commission suspended the tariffs filed by Osage Water to implement the disposition agreements until September 23.

On August 3, Staff filed unanimous disposition agreements, signed by Public Counsel as well as by Osage Water and Staff, regarding both the water and the sewer rate increase requests. The agreements would allow Osage Water to increase its rates to generate additional annual water revenue of \$48,500, and additional annual sewer revenue

of \$13,500. Both agreements require Osage Water to file revised tariffs to implement the agreed upon rate increases. In addition, both agreements require Osage Water to take specified actions to improve the service it offers to its customers.

The Commission has reviewed the unanimous disposition agreement and concludes that they will result in water and sewer rates that are just and reasonable.¹ The Commission will approve the agreements.

THE COMMISSION ORDERS THAT:

1. The Unanimous Disposition Agreement regarding Osage Water Company, Inc.'s request for an increase in water revenue, filed on August 3, 2009, is approved.

2. The signatories shall comply with the terms of the Unanimous Disposition Agreement regarding Osage Water Company's request for an increase in water revenue. A copy of that agreement is attached to this order as Appendix A.

3. The following tariff sheets issued by Osage Water Company, Inc. on May 26, 2009, and assigned Tariff File No. YW-2009-0830, are rejected. The tariff sheets rejected are:

P.S.C. MO No. 1

4th Revised Sheet No. 5, Canceling 3rd Revised Sheet No. 5
3rd Revised Sheet No. 6, Canceling 2nd Revised Sheet No. 6

4. The Unanimous Disposition Agreement regarding Osage Water Company, Inc.'s request for an increase in sewer revenue, filed on August 3, 2009, is approved.

¹ The Commission has the legal authority to accept stipulations and agreements as offered by the parties pursuant to Section 536.060, RSMo 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

5. The signatories shall comply with the terms of the Unanimous Disposition Agreement regarding Osage Water Company's request for an increase in sewer revenue. A copy of that agreement is attached to this order as Appendix B.

6. The following tariff sheets issued by Osage Water Company, Inc. on May 26, 2009, and assigned Tariff File No. YS-2009-0827, are rejected. The tariff sheets rejected are:

P.S.C. MO No. 1

2nd Revised Sheet No. 10, Canceling 1st Revised Sheet No. 10
1st Revised Sheet No. 11, Canceling Original Sheet No. 11

7. Osage Water Company, Inc. is authorized to file tariffs in compliance with the Unanimous Disposition Agreements.

8. This order shall become effective on August 22, 2009.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., concurs with separate concurring opinion to follow,
Davis, Jarrett, and Gunn, CC., concur.

Woodruff, Chief Regulatory Law Judge