

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
August, 2009.

In the Matter of Oakbrier Water Company's Inc.'s)	<u>File No. WR-2009-0229</u>
Small Company Rate Increase)	Tariff No. YW-2009-0766

**ORDER APPROVING UNANIMOUS DISPOSITION AGREEMENT
AND AUTHORIZING TARIFF FILING**

Issue Date: August 5, 2009

Effective Date: August 5, 2009

On November 26, 2008, Oakbrier Water Company¹ initiated a small company revenue increase request pursuant to Commission rule 4 CSR 240-3.050. On April 27, 2009 the Staff of the Commission filed a Disposition Agreement between it and Oakbrier. Oakbrier then filed a tariff conforming to the agreement. The tariff bore an effective date of June 15.

At the request of the Office of the Public Counsel, the Commission held a local public hearing. Because of the timing of the request pursuant to the small company rate increase timeline, Oakbrier's substitute tariff sheets were suspended to allow time to hold the hearing and give the parties an opportunity to file their position statements.

On July 16, Public Counsel filed its position statement. Public Counsel stated that it had concerns regarding various expense and taxes and depreciation that Staff and the company agreed to. Although Public Counsel stated that it believed an agreement was

¹ Oakbrier provides service to approximately 57 customers in its certificated service area under the provision of its Commission –approved tariff.

forthcoming, in order to preserve its rights, Public Counsel requested an evidentiary hearing. The Commission then further suspended Oakbrier's tariff and set an evidentiary hearing.

On July 29, Staff filed a Unanimous Disposition Agreement. The agreement provides for an increase of \$3,103 in the company's annual operating revenues. This amount is lower than the \$5,472 requested by the company and higher than the \$2,530 initially agreed upon between the company and Staff.

Currently, customers pay a base rate of \$12.26 per month for 5,000 gallons and \$1.96 per 1,000 gallons used over 5,000 gallons. Under the agreement, customers will pay a base rate of \$15.59 per month and \$2.44 per 1,000 gallons used over the 5,000 included in the base rate. The company intends to file substitute tariff sheets reflecting the terms of the unanimous agreement on August 13.

The Commission has the legal authority to accept stipulations and agreements.² Further, because this matter is being disposed of by stipulation, it need not be accompanied by findings of fact and conclusions of law.³ The Commission finds the agreement reasonable and will approve it. Finally, as the parties have entered into a unanimous stipulation and agreement, Public Counsel's request for an evidentiary hearing has been abandoned.⁴ The Commission will, therefore cancel the evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. The evidentiary hearing scheduled for August 11, 2009, is cancelled.

² Section 536.060, RSMo 2000.

³ Section 536.090, RSMo 2000.

⁴ See The Office of the Public Counsel's Request for Evidentiary Hearing, paragraph 7, filed in this case on July 16, 2009.

2. The Unanimous Disposition Agreement regarding Oakbrier Water Company, Inc.'s request for an increase in water revenue, entered into between Oakbrier, the Staff of the Commission and the Office of the Public Counsel, is approved.

3. The signatories shall comply with the terms of the Unanimous Disposition Agreement. A copy of the Agreement is attached to this order as Appendix A.

4. The following revised tariff sheets filed on April 30, 2009, by Oakbrier Water Company, Inc, are rejected:

P.S.C. MO No. 2

1st Revised Sheet No. 1, cancelling Original Sheet No. 1

1st Revised Sheet No. 2, cancelling Original Sheet No. 2

5. Oakbrier Water Company, Inc., shall file substitute tariff sheets in compliance with the Unanimous Disposition Agreement.

6. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.

Jones, Senior Regulatory Law Judge