

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 30th day of March, 2011.

In the Matter of the Rate Increase for Whiteside Hidden Acres, LLC

File No. WR-2011-0024
Tracking No. YW-2011-0336

ORDER APPROVING DISPOSITION AGREEMENT AND TARIFF

Issue Date: March 30, 2011

Effective Date: April 11, 2011

The Missouri Public Service Commission is approving the:

- *Company/Staff Agreement Regarding Disposition of Small Company Revenue Increase Request* (“agreement”); and
- Schedules of rates and terms for water service (“tariff”) associated with the agreement.

Whiteside Hidden Acres, LLC (“the utility”) supplies water service to 39 residential customers near Pittsburg, Hickory County, Missouri.

A. Procedure

On July 28, 2010, the utility initiated this action. On December 23, 2011, Staff filed notice of the agreement. On December 27, 2010, Staff and the utility filed the agreement, which provides for a full resolution of the utility's request between Staff and the utility but does not include the Office of the Public Counsel ("OPC"). On December 30, 2010, the utility filed the tariff. On January 27, 2011, OPC filed a request for a local public hearing.

OPC's request for a local public hearing required the Commission to suspend the tariff,¹ which the Commission did by order dated February 4, 2011. Suspending the tariff began a contested case.² On March 7, 2011, the Commission convened a local public hearing. On March 11, 2011, Staff filed its response to the local public hearing testimony, stating that such testimony revealed no new information. On March 16, 2011, OPC filed a position statement stating that it has no opposition to the agreement.

Therefore, the Commission will lift the suspension, decide this action as a non-contested case, and determine all issues without separately stating its findings of fact.

B. Rates

Both the current and proposed rates employ two rates. The first is an unmetered rate, which all current customers have. The agreement and tariff provide the following increase in rates per quarter:

| <i>Proposed</i> | <i>Current</i> | <i>Increase</i> |
|-----------------|----------------|-----------------|
| \$93.97 | \$46.12 | \$47.85 |

The second is a metered rate, consisting of a base charge and a usage charge per 1,000 gallons of water. The agreement and tariff provide the following increase in rates per quarter:

| <i>Charge</i> | <i>Proposed</i> | <i>Current</i> | <i>Increase</i> |
|---------------------------|-----------------|----------------|-----------------|
| Base (per quarter) | \$31.89 | \$15.65 | \$16.24 |
| Usage (per 1,000 gallons) | \$4.60 | \$2.26 | \$2.34 |

The agreement also addresses recordkeeping and billing matters. Based on the Commission's examination of the verified documents on file, the Commission independently finds and concludes that the agreement and tariff support safe and adequate service, at

¹ 4 CSR 240-3.050(20).

² Section 393.150.1, RSMo 2000; Section 536.010(4), RSMo Supp. 2010; *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

just and reasonable rates, and are in the public interest. Therefore, the Commission will approve the agreement and the tariff, direct the parties to comply with the agreement's terms, and incorporate the agreement into this order.

THE COMMISSION ORDERS THAT:

1. The *Company/Staff Agreement Regarding Disposition of Small Company Revenue Increase Request* ("agreement") is approved. The agreement is incorporated into this decision as if set forth at length. All parties shall comply with the agreement.

2. The suspension of the tariff to which the Commission assigned Tracking No. YW-2011-0336 is lifted. That tariff is approved to become effective on April 11, 2011. The specific tariff sheets approved are:

P.S.C. MO No. 1

Original Sheet No. 5

First Revised Sheet No. 6 Cancelling Original Sheet No. 6

3. This order shall become effective on April 11, 2011.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

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

Jordan, Senior Regulatory Law Judge