

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

In the Matter of the Rate Increase)
for Lakeland Heights Water Co., Inc.)

Case No. WR-2012-0266

MOTION TO REQUEST FOR WAIVER AND REQUEST FOR HEARING DATE

COME NOW the Staff (Staff) of the Missouri Public Service Commission (Commission),
by and through counsel, and pursuant to 4 CSR 240.050 (12) hereby states:

1. On January 31, 2012, the Commission received a Rate Increase Request Letter from Lakeland Heights Water Co., Inc. (Lakeland or Company), requesting Commission approval of an increase of \$3,960.00 in its annual water service operating revenue pursuant to Commission Rule 4 CSR 240-3.050 (Small Utility Rate Case Procedure).

2. On April 10, 2012, Staff filed a *Motion to Extend Filing of Disposition Agreement*, pursuant to Commission Rule 4 CSR 240-3.050 (12), seeking a two month extension from June 29, 2012 to August 29, 2012.

3. On April 11, 2012, the Commission entered an *Order Extending Timeline* granting Staff's request.

4. On August 28, 2012, Staff filed a *Notice of Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request* (Company Staff Agreement).

5. On September 4, 2012, revised tariff sheets were filed reflecting the Company Staff Agreement with an effective date of October 22, 2012.

6. On October 4, 2012, the Office of the Public Counsel (Public Counsel) filed a request for local public hearing promptly, as long as customers are given sufficient notice.¹ Public Counsel also requested that the Commission suspend the proposed revised tariff sheet for a sufficient period.²

¹ See paragraph 8 of Public Counsel's October 4, 2012 filing

² See paragraph 9 of Public Counsel's October 4, 2012 filing

7. On October 10, 2012, the Commission issued an *Order Granting Request for a Local Public Hearing and Suspending Tariff*, suspending the tariffs until December 31, 2012, or until otherwise ordered by the Commission.

8. Also on October 10, 2012, the Commission established that local public hearings would be held on October 29, 2012 and October 30, 2012, in Poplar Bluff and Dexter, Missouri, respectively.

9. Under Commission Rule 4 CSR 240-3.050(24), the proposed full resolution is to be finally presented to the commission no later than nine (9) months after the case is opened and the Commission's decision and order is to be issued with an effective date no later than eleven (11) months. In this case, the 9-month timeline is October 31, 2012, and the 11-month deadline for the Commission's order is December 31, 2012.

10. As a result of the sixty-day extension request and the scheduled dates of the local public hearings, this matter likely will not be presented by October 31, 2012. Therefore, Staff requests a waiver for good cause under Commission Rule 4 CSR 240-2.015.

11. Further, in order to achieve the 11-month timeline, time is of the essence in this case, and Staff hereby requests that an evidentiary hearing be scheduled in November 2012. At this time, the parties cannot identify what the issues may be should this case go to hearing and thus it may settle; however, as a result of the Commission's busy calendar and the fast approaching 11-month timeline for the Commission to issue an order to conclude this case by December 31, 2012,³ Staff deems this request necessary to make at this time. Staff anticipates that two days of evidentiary hearings will be sufficient though it is possible it may only take one day.

12. While under Section 393.150 RSMo, it is possible for the Commission to extend the time of suspension for the tariffs for no longer than 120 days and for a further period not to

³ Commission Rule 4 CSR 240-3.050(24).

exceed six months if a hearing cannot be concluded within the period of suspension, Staff does not advocate that this matter be delayed for any period close to six months and maintains it should be resolved by December 31, 2012.

WHEREFORE, Staff requests that the Commission enter an Order granting waiver of presenting the matter for final resolution by October 31, 2012, and establishing an evidentiary hearing date on its calendar for this matter in November 2012, and any other relief the Commission deems appropriate.

Respectfully Submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

/s/ Rachel M. Lewis

Rachel M. Lewis MO Bar No 56073
John D. Borgmeyer MO Bar No 61992

Attorneys for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
Telephone: (573) 751-5472
Fax: (573) 751-9285
Email: John.borgmeyer@psc.mo.gov
Rachel.lewis@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 11th day of October, 2012.

/s/ Rachel M. Lewis