

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Lakeland )  
Heights Water Company, Inc. for a Small )  
Company Rate Increase )

**File No. WR-2009-0227**

## ORDER SETTING LOCAL PUBLIC HEARING

Issue Date: June 11, 2009

Effective Date: June 11, 2009

On November 26, 2008, Lakeland Heights Water Company, Inc. ("Lakeland Heights")<sup>1</sup> initiated a small sewer company rate increase action pursuant to Commission Rule 4 CSR 240-3.050. Lakeland Heights asked for an annualized water system operating revenue increased of \$10,200.

On April 27, 2009,<sup>2</sup> the Staff of the Commission (hereafter "Staff") and Lakeland Heights filed a Disposition Agreement that included comprehensive accounting schedules, a review of Lakeland Height's customer service and business operation and example tariffs designed to implement the agreed upon revenue requirements. On April 30, Lakeland Heights filed revised tariff sheets reflecting certain rate and language changes to bring the tariffs into full conformity with the Agreement.<sup>3</sup> The tariff sheets bear an effective date of June 15.<sup>4</sup>

The Office of the Public Counsel (hereafter "OPC") did not join in the Agreement. Instead, on May 29, OPC filed motions requesting the Commission suspend the tariff and

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<sup>1</sup> Lakeland Heights provides service to approximately 113 customers in its certificated service area under the provision of its Commission-approved tariff.

<sup>2</sup> All dates from this point forward refer to the year 2009 unless otherwise noted.

<sup>3</sup> Staff and Lakeland Heights agree to an annualized rate increase of \$9191.

<sup>4</sup> In a separate order, the Commission suspended the tariff until August 14.

schedule a local public hearing, or in the alternative, an evidentiary hearing.<sup>5</sup> OPC notes several deficiencies in Staff's EMSD Report that warrant giving Lakeland Heights' customers an opportunity to comment. This is sufficient for the grant of a public hearing.

Commission Rule 4 CSR 240-2.110(1) requires the Commission to set the time and place for hearings and serve notice as required by law. Section 536.067(4), RSMo 2000, and Section 386.390.5, RSMo 2000, require at least ten days notice be given prior to a hearing.

In complying with its statutory mandate, and taking into consideration the expedited nature of the small sewer company rate increase procedure, the Commission shall set the date for the local public hearing for Wednesday, July 1, 2009. At the hearing, the Staff of the Commission will hold an informal question-and-answer session beginning at 5:30 p.m. The hearing will begin at 6:00 p.m. and will conclude when every person who wishes to testify has done so.

#### **THE COMMISSION ORDERS THAT:**

1. The Commission gives notice that it shall hold a local public hearing on July 1, 2009, beginning at 6:00 p.m. A question-and-answer session will be held before the hearing beginning at 5:30 p.m.
2. The local public hearing shall be held at: Room 203, 200 E.K. Porter Building, Three Rivers Community College, 2080 Three Rivers Boulevard, Poplar Bluff, Missouri.
3. No later than June 19, 2009, Lakeland Heights Water Company, Inc. shall mail notice of this hearing consistent with this order, said notice being approved by the Staff of

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<sup>5</sup> The Commission is granting OPC's request to convene a local public hearing. Therefore, the Commission will not rule on the evidentiary hearing request, which was made in the alternative to the local public hearing request.

the Commission and the Office of the Public Counsel before it is mailed, as required by Commission Rule 4 CSR 240-3.050(18). Staff shall file a copy of the notice in these cases no later than June 24, 2008.

4. Customers wishing to make written comments or secure additional information may contact the Office of the Public Counsel, Post Office Box 2230, Jefferson City, Missouri 65102, telephone (573) 751-4857. Comments may also be registered in this case using the Internet Electronic Filing System at <http://psces/mpsc/>. Use the link to the Public Comment section and fill in all required fields on the comment page.

5. The local public hearing shall be held in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Any person who needs additional accommodation to participate in the hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

6. The Data Center of the Missouri Public Service Commission shall serve a copy of this order upon the county commissions of Butler County and Wayne County, Missouri.

7. The Public Information Office of the Missouri Public Service Commission shall make notice of this order available to members of the General Assembly representing the residents in the service area of Lakeland Heights Water Company, Inc., and to the news media serving the residents of that service area.

8. No later than July 9, 2009, the Staff of the Commission shall file a pleading as required by Commission Rule 4 CSR 240-3.050(19).

9. No later than July 16, 2009, the Office of the Public Counsel shall file a pleading as required by Commission Rule 4 CSR 240-3.050(19).

10. This order shall become effective on June 11, 2009.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

Ronald D. Pridgin, Senior Regulatory Law  
Judge, by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 11<sup>th</sup> day of June, 2009.