

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

In the Matter of Suburban Water and Sewer)	
Company's Water Utility Rate Increase)	Case No. WR-2005-0455
Request)	

DISSENTING OPINION OF COMMISSIONER STEVE GAW

By its Order Approving Small Company Rate Increase and Approving Tariff, the Commission has approved new water and sewer rates for Suburban Water and Sewer Company. A review of the pleadings in this matter indicates that, even though it did not seek a small company increase until December 2004, the Company had previously commenced a water and sewer rate increase in April 2004. Recognizing that tariffs had not been submitted or approved for this water and sewer increase, the Company was unlawfully collecting an increased rate from its customers. This unlawful collection of water and sewer rates continued for six months until October 2004.

The Company has subsequently recognized that these overcharges were inappropriate. As of the effective date of the Commission's Order, the Company has unlawfully held these proceeds for between eight and fourteen months. Collection of the overcharges was clearly improper and should carry consequences beyond just repaying what was taken from the customers. Because the result here does not do more, I will not vote for the order and must dissent.

Respectfully Submitted



Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 19th day of July, 2005.