

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

In the Matter of Whispering Hills Water       )  
System Small Company Rate Increase       )       **Case No. WR-2009-0228**

**STAFF'S VERIFIED STATEMENT OF COMPANY WITHDRAWAL**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its *Verified Statement of Company Withdrawal*, states the following to the Missouri Public Service Commission (the Commission):

1.       On November 26, 2008, Whispering Hills Water System (Whispering Hills or the Company) sent to the Commission a Rate Increase Request Letter, initiating the Small Utility Rate Case Procedure, found at 4 CSR 240-3.050.

2.       On March 19, 2009, Staff received notification that the Company no longer wishes to pursue a revenue increase in this matter. Because this notification contained an incorrect case number citation, Staff requested clarification, which was provided by the Company on March 20, 2009. See Exhibit A.

3.       Commission Rule 4 CSR 240-3.050(23) states that “[i]f at any time after a case is opened the utility and the staff agree that an increase in the utility’s annual operating revenues is not necessary, or if the utility advises the staff that it no longer wishes to pursue an increase, the staff shall file a verified statement to that effect in the case file, whereupon the regulatory law judge shall issue a notice closing the case.”

4.       Attached hereto is a verified statement in the form of a Staff Affidavit, affirming that Staff has been advised that the Company no longer wishes to pursue an increase in this matter. See Exhibit B.

**WHEREFORE**, Staff requests that pursuant to 4 CSR 240-3.050(23) the regulatory law judge issue a notice closing this case.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont  
Assistant General Counsel  
Missouri Bar No. 60892

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-5472 (Telephone)  
(573) 751-9285 (Fax)  
[eric.dearmont@psc.mo.gov](mailto:eric.dearmont@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 23rd day of March, 2009.

/s/ Eric Dearmont

Dearmont, Eric

---

Subject: FW:

Attachments: 82747-WHISPERING HILLS WATER SYSTEM Pull case.doc

---

From: rnlowens@newwavecomm.net [ <mailto:rnlowens@newwavecomm.net> ]

Sent: Thursday, March 19, 2009 5:14 PM

To: Russo, Jim

Subject:

Jim,

Attached is *copy of* letter I mailed to you today as per the Whispering Hills Certificate case incase you need it asap. Let me know *if* there is anything else I need to do.

Thanks,

La Dawn Owens

Exhibit A

3/20/2009

WHISPERING HILLS WATER SYSTEM  
P. O. BOX 24  
WAPPAPELLO, MISSOURI 63966

March 15, 2009

Dear Commissioners,

Due to the fact there have been some legal questions that have arisen, I am sending this letter to ask that the commission pull Case No. SR-2009-0228 until these questions are settled.

Thank you,

Rodger Owens

Exhibit A

Dearmont, Eric

---

Subject: FW: Whispering Hills Certificate Case

---

From: rnlowens@newwavecomm.net [<mailto:rnlowens@newwavecomm.net>]  
Sent: Friday, March 20, 2009 2:09 PM  
To: Busch, Jim  
Subject: Re: Whispering Hills Certificate Case

Jim,

Please refer to the email I sent to you yesterday on the Whispering Hills Certificate Case. This email is a correction to be made in reference to the Certificate Case No. .

Please make correction to read as follows. Case No. should read WR-2009-0228 instead of SR-2009-0228. If there is anything else you need please give me a call.

Thanks so much.

La Dawn Owens

On Thu Mar 19 18:13 , <rnlowens@newwavecomm.net> sent:

Jim,

Attached is copy of letter I mailed to you today as per the Whispering Hills Certificate case incase you need it asap. Let me know if there is anything else I need to do.

Thanks,

La Dawn Owens

Exhibit A

3/20/2009

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

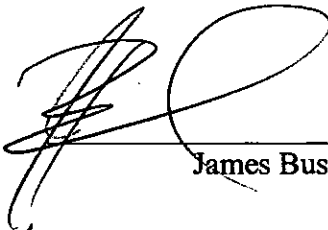
In the Matter of Whispering Hills Water )  
System Small Company Rate Increase )

Case No. WR-2009-0228

**AFFIDAVIT OF JAMES BUSCH**

STATE OF MISSOURI     )  
                                  ) ss  
COUNTY OF COLE     )

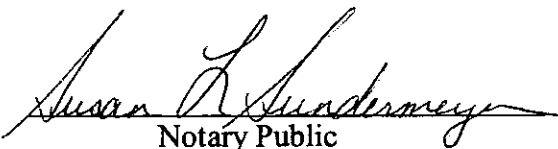
James Busch, Manager- Water and Sewer Department, being of lawful age, on oath states: pursuant to 4 CSR 240-3.050 (23) Small Rate Case Procedure, if at any time after a case is opened the utility and the staff agree that an increase in the utility's annual operating revenues is not necessary, or if the utility advises the staff that it no longer wishes to pursue an increase, the staff shall file a verified statement to that effect in the case file, whereupon the regulatory law judge shall issue a notice closing the case. That on March 19, 2009, Whispering Hills Water System advised Staff that it no longer wishes to pursue its rate increase request, which it incorrectly referenced as Case No. SR-2009-0228. That on March 20, 2009, Staff contacted Whispering Hills Water System to confirm the Company's request to withdraw the case that had been designated as Case No. WR-2009-0228. That this Affidavit, filed by Staff, serves as a verified statement to that effect; and that such matters are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
James Busch

Subscribed and sworn to before me this 23<sup>rd</sup> day of March, 2009.



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

  
\_\_\_\_\_  
Notary Public