

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Middlefork Water Company's
Request for a Rate Increase.

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File No. WR-2010-0309
Tariff No. YW-2011-0186

ORDER DENYING REQUEST FOR WAIVER OF NOTICE REQUIREMENT

Issue Date: October 7, 2010

Effective Date: October 7, 2010

On October 1, 2010, the Commission's Staff filed a Notice of Agreement Regarding Disposition of Small Company Rate Increase Request in which Staff and Middlefork Water Company agreed that the company should be allowed to raise its rates. The Office of the Public Counsel did not sign that agreement. But on October 6, Public Counsel filed its position statement indicating that it does not oppose the disposition agreement between Staff and Middlefork.

Commission rule 4 CSR 240-3.050(14) requires that if Public Counsel does not join in the disposition agreement, the company must mail a written notice of the revised tariff and resulting rates to its customers within five working days after filing its revised tariff. Middlefork filed its revised tariff on October 6, so it must mail that customer notice by October 14.

In its position statement, Public Counsel cites the regulation's customer notice requirement and asks the Commission to waive that requirement. Public Counsel explains that if the Commission quickly approves the unopposed rate increase agreement, Middlefork must mail a second, final notice of the rate increase to its customers. To

prevent the unnecessary and duplicative cost of preparing and mailing both a notice of the agreement and a separate final notice of the new rates, Public Counsel asks the Commission to waive the regulation's requirement that Middlefork mail notice of the agreement and proposed tariff revisions to its customers.

The Commission appreciates Public Counsel's concern about avoiding unnecessary and duplicative costs. However, the Commission notes that Middlefork provides wholesale water service to only two customers, the City of Stanberry and the City of Grant City. Mailing notice to those two customers will not be a burden on the company. In addition, the disposition agreement provides for a two-step rate increase that is substantially larger than the amount originally requested by the company. Under the circumstances, it is appropriate that Middlefork's customers receive notice of that agreement before the Commission considers whether to accept it. Therefore, the Commission will reject Public Counsel's request to waive the customer notice requirement. Middlefork must provide the customer notice required by the Commission's rule.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's request to waive that portion of Commission rule 4 CSR 240-3.050(14) that requires Middlefork Water Company to mail written notice of its proposed tariff revisions to its customers no later than five working days after it filed that tariff revision is denied.

2. This order shall become effective on October 7, 2010.

(S E A L)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', is written over a faint, illegible stamp.

Steven C. Reed
Secretary

Dated at Jefferson City, Missouri,
on this 7th day of October, 2010.

Woodruff, Chief Regulatory Law Judge