

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

In the Matter of the Application of Jerry)
Reed, d/b/a Woodland Acres Water)
System, for a Certificate of Convenience)
and Necessity to Provide Water Service in)
St. Clair County, Missouri.)

File No. WA-2009-0031

**OFFICE OF THE PUBLIC COUNSEL'S RESPONSE
TO STAFF'S RECOMMENDATION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response to Staff's Recommendation states as follows:

1. On July 21, 2008, Mr. Reed d/b/a Woodland Acres Water System (Applicant), filed an Application For Certificate Of Convenience And Necessity (Application) with the Missouri Public Service Commission (Commission) to provide water service in the Woodland Acres Subdivision, St. Clair County, Missouri.
2. On May 29, 2009, the Staff of the Public Service Commission (Staff) filed its Recommendation which recommended the Commission issue an order granting the Applicant a Certificate Of Convenience And Necessity (CCN) to provide water service to the Woodland Acres Subdivision, with the following conditions:
 - Requires the Applicant to submit a tariff within thirty (30) days after a Commission order granting a CCN, containing a quarterly rate of \$170.34 for fulltime customers and \$136.27 for part-time customers, with the tariff sheets to bear an effective date that is at least thirty (30) days from the date the tariff sheets are submitted to the Commission for approval;

- Requires that customers not be billed for service until such time as the tariff is approved and made effective by the Commission;
- Approves the schedule of depreciation rates attached to this recommendation, to be used by the Applicant; and
- Recognizes that nothing in the Staff Recommendation, or in any order issued by the Commission in this case, shall bind the Commission on any ratemaking issue in any future rate proceedings.

Staff also stated that after the Applicant submits the required tariff to the Commission, the Staff will submit an additional recommendation regarding the approval of the tariff.

3. Public Counsel now states that it disputes Staff's recommendation, primarily regarding but not limited to the issue of Contribution in Aid of Construction (CIAC), the lack of a requirement for a rate case in the near future and the lack of a refund/credit provision pending the outcome of that future rate case.

WHEREFORE, Public Counsel respectfully submits its Response to Staff's Recommendation.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 8th day of June 2009:

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/s/ Christina L. Baker
