

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Elm Hills Utility Operating)
Company, Inc.'s Request for a Water and) **File No. WR-2020-0275**
Sewer Rate Increase)

ORDER DIRECTING JOINT PROPOSED SCHEDULE FOR EVIDENTIARY HEARING AND DIRECTING RESPONSE

Issue Date: September 16, 2020

Effective Date: September 16, 2020

On March 6, 2020, Elm Hills Utility Operating Company, Inc. filed a notice opening two staff assisted rate cases under Commission Rule 20 CSR 4240-10.075.¹ On September 9, 2020, the Staff of the Missouri Public Service Commission (Staff) together with Elm Hills Utility Operating Company, Inc., filed a Non-Unanimous Disposition Agreement (Agreement). On September 14, 2020, the Office of the Public Counsel (Public Counsel) filed its objection to the Agreement and requested a hearing. Public Counsel objected as it believes the Agreement will not result in rates that are just or reasonable.

On September 15, 2020, Staff responded to Public Counsel's request by asking the Commission to direct Public Counsel to supplement its hearing request with a specified list of issues that Public Counsel believes should be the subject of the hearing.²

The Commission notes that the 240-day submission deadline for this small utility rate case is November 1, 2020, in order for the Commission's Report and Order to be

¹ File No. SR-2020-0274 has been consolidated into this file.

² 20 CSR 4240-10.075(12)(A) states, "Any party may file a request for an evidentiary hearing. A request for an evidentiary hearing shall include a specified list of issues that the requesting party believes should be the subject of the hearing."

effective no later than December 1, 2020.³ As November 1, 2020, is a Sunday, the rule effectively requires that final briefs be submitted to the Commission by Friday, October 30, 2020, absent a waiver under 20 CSR 4240-10.075(15).

Due to the short timeframe, the Commission will direct the parties to submit a proposed procedural schedule concurrent with its direction to the Public Counsel to respond with further specificity as to which issues it believes makes the Agreement unjust or unreasonable. Also due to the short timeframe, the Commission will issue this Order without waiting for further responses.

In order to expedite the development of a procedural schedule, and in light of the current social distancing restrictions, the Commission will direct the parties to jointly propose a procedural schedule for either pre-filed testimony and an evidentiary hearing or for briefing and oral argument.

The Commission requests the parties include the following as part of a proposed procedural schedule leading to an evidentiary hearing:

- Submission of a Joint Stipulation of Facts;
- Submission of List of Issues and Order of Hearing Components, and Position Statements at least four days in advance of the hearing;
- An evidentiary hearing held via WebEx.

Any request for expedited hearing transcripts must be made before the procedural schedule is established.

³ 20 CSR 4240-10.075(13).

THE COMMISSION ORDERS THAT:

1. No later than September 22, 2020, the parties shall submit a joint proposed schedule as described in this order.
2. No later than September 18, 2020, Public Counsel shall submit a specified list of issues that Public Counsel believes should be the subject of the hearing.
3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 16th day of September, 2020.