

**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 Rate Increase) Case No. WR-2020-0275

**REPLY TO OPC'S OBJECTION TO NON-UNANIMOUS DISPOSITION
AGREEMENT AND REQUEST FOR AN EVIDENTIARY HEARING**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), through counsel, and for its *Reply to OPC's Objection to Non-Unanimous Disposition Agreement and Request for an Evidentiary Hearing*, respectfully states:

1. On September 9, 2020, Elm Hills Utility Operating Company, Inc. ("Elm Hills") and Staff filed their *Non-Unanimous Disposition Agreement* in this docket.

2. On September 14, 2020, pursuant to Commission Rule 20 CSR 4240-10.075(11)(D),¹ the Office of the Public Counsel ("OPC") filed its *Objection to Non-Unanimous Disposition Agreement and Request for an Evidentiary Hearing*, stating that the reason for its objection is that the agreement between Staff and Elm Hills will not result in rates that are just or reasonable.

3. However, while OPC timely filed a pleading stating its position regarding the disposition agreement and requesting a hearing, OPC's stated reasoning is vague, and OPC provides no explanation for its position. Further, OPC's request for an evidentiary hearing failed to include a specified list of issues that OPC believes should be the subject of the hearing, as required by the Commission's Staff Assisted Rate Case Procedure.²

¹ 20 CSR 4240-10.075(11)(D) states, "No later than five (5) business days after the filing of a full or partial disposition agreement that is not executed by all parties, each non-signatory party shall file a pleading stating its position regarding the disposition agreement and the related tariff revisions and providing the reasons for its position. If the non-signatory party intends to ask that the case be resolved by evidentiary hearing, it must do so in this pleading. If a disposition agreement is not executed by all parties, and a hearing is requested, then no party is bound to any position stated or implied by the disposition agreement or supporting documents if the company determines it no longer wants to pursue positions in the disposition agreement."

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."

4. Therefore, Staff requests the Commission direct OPC to supplement its *Objection to Non-Unanimous Disposition Agreement and Request for an Evidentiary Hearing* to include, at the least, a specified list of issues that OPC believes should be the subject of the hearing it has requested.

WHEREFORE, Staff prays the Commission will accept its *Response to OPC's Objection to Non-Unanimous Disposition Agreement and Request for an Evidentiary Hearing*; and order any further relief that it deems just in the circumstances.

Respectfully submitted,

/s/ Mark Johnson

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and or counsel of record on this 15th day of September, 2020.

/s/ Mark Johnson