BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Raytown Water Company's)
Request for Annual Operating Revenue) File No. WR-2020-026
Increase)

STAFF RESPONSE TO COMMISSION ORDER

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and for its *Staff Response to Commission Order* respectfully states:

1. On August 18, 2020, Staff filed its *Staff Recommendation to Approve and Reject Tariff Sheets* ("Recommendation"), in which Staff recommended that the following three tariff sheets be rejected by the Commission:

P.S.C. MO. No. 5

Original Sheet No. 8A
Second Revised Sheet No. 10, Canceling First Revised Sheet No. 10
First Revised Sheet No. 14, Canceling Original Sheet No. 14

- 2. On August 19, 2020, the Commission ordered any party who wished to respond to Staff's Recommendation do so no later than August 24, 2020. Further, the Commission noted that Raytown Water Company ("Raytown") filed tariff sheets on August 10, 2020, with an effective date of September 8, 2020, which when calculated was 29 days after the date of filing, a violation of the 30-day requirement outlined in Commission Rule 20 CSR 4240-10.0175(15) and Section 393.140(11), RSMo.
- 3. Also on August 19, 2020, Raytown pulled the disputed tariff sheets, addressing Staff's concerns and leaving only the four remaining tariffs that Staff recommended be approved.

- 4. Regarding the 30-day requirement under Commission Rule 20 CSR 4240-10.0175(15) and Section 393.140(11), RSMo, the revised timeline filed on July 30, 2020 in conjunction with the *Notice of Extension* had a target due date of August 9, 2020 for Raytown to file the necessary tariff revisions, which was a Sunday. The calendar due date identified in the case timeline was August 10, 2020, the following Monday.
- 5. The exemplar tariffs attached with the *Unanimous Disposition and Agreement* filed on August 4, 2020, as well as those later shared with Raytown leading up to its August 10, 2020 filing, utilized the August 9, 2020 target date and its accompanying September 8, 2020 effective date.
- 6. While conducting its review, Staff inadvertently utilized the August 9, 2020, target date, per the case timeline, rather than the actual filing date of August 10, 2020, when determining whether Raytown's tariff sheets bore a 30-day effective date.
- 7. As noted by the Commission, Raytown's compliance tariff sheets bore a 29 day effective date. Due to the difference being one day, Raytown having remedied Staff's concerns by pulling the tariffs that Staff recommended be rejected, and the Office of the Public Counsel also supporting approval of the remaining tariff sheets, Staff posits that good cause exists and would have no objection to a waiver of the rule under Commission Rule 20 CSR 4240-10.075(15) or Section 393.140(11), which would allow the remaining tariffs to go into effect within 29 days on September 8, 2020.

WHEREFORE, Staff prays that the Commission accepts its *Staff Response to Commission Order*, and grant any such other and further relief as is just under the circumstances.

Respectfully Submitted,

/s/ Travis J. Pringle

Travis J. Pringle
Missouri Bar No. 71128
Legal Counsel for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Mo 65102-0360
(573) 751-4140 (Telephone)
(573) 751-9285 (Facsimile)
(Email) travis.pringle@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 parties and/or their counsel of record this 24th day of August, 2020.

/s/ Travis J. Pringle