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)))	File No. WR-2020-0275
In the Matter of Elm Hills Utility Operating Company, Inc.'s Request for a Sewer Rate Increase)	File No. SR-2020-0274

JOINT PROPOSAL TO WAIVE SIXTY DAY REQUIREMENT OF COMMISSION RULE 20 CSR 4240-10.075(6)

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and on behalf of Elm Hills Utility Operating Company, Inc. ("Elm Hills") and the Office of Public Counsel ("OPC"), respectfully proposes the following:

- 1. On March 6, 2020, Elm Hills filed a letter requesting an increase in its annual overall operating revenues for water service by approximately \$135,745, and for sewer service by approximately \$393,919, through the staff assisted rate case procedure under Commission Rule 20 CSR 4240-10.075.
- 2. Pursuant to Commission Rule 20 CSR 4240-10.075(6), a local public hearing ("LPH") shall be scheduled to occur no later than sixty (60) days after the opening of this case; in this instance, May 5, 2020. However, the LPH can be waived if Staff files a notice in the case stating that all parties agree a local public hearing is not necessary. The Commission can also waive any provision of the rule for good cause under Commission Rule 20 CSR 4240-10.075(15).
- 3. At present, the parties to this matter agree that an LPH is necessary and appropriate; however, on March 15, 2020, the Centers for Disease Control and

Prevention ("CDC") called for the suspension or cancelation of public gatherings of fifty (50) individuals or more over the next eight weeks,¹ and those recommendations were endorsed by the office of Missouri Governor Mike Parson shortly thereafter.² The following day, March 16, 2020, President Trump and the White House Coronavirus Task Force issued further guidelines, recommending social gatherings of more than 10 people be avoided for at least the next fifteen (15) days.³

- 4. On March 16, 2020, the Commission issued its *Order Directing Responses Regarding Local Public Hearings* in the above captioned cases, ordering the parties, no later than March 19, 2020, to file a response offering recommended locations and dates for LPHs, with virtual meeting options to facilitate public involvement while preventing the spread of COVID-19 for the purposes of public health.
- 5. Due to the nature of LPHs, in which the Commission solicits sworn testimony from individual customers of the utility, the parties, at this time, are uncertain as to the viability of a virtual forum that would not require a public gathering of some degree. That being said, Elm Hills' customers are *highly* encouraged to submit to the Commission any comments regarding the service currently provided by Elm Hills and/or its requested revenue increases via the Commission's Electronic Filing and Information System ("EFIS"). Instructions detailing the process for customers to do so will be detailed

¹ "Interim Guidance for Coronavirus Disease 2019 (COVID-19)," https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html.

² "Governor Parson's Statement Regarding CDC Recommendations on Mass Gatherings and Large Community Events," https://governor.mo.gov/press-releases/archive/governor-parsons-statement-regarding-cdc-recommendations-mass-gatherings-and.

³ "The President's Coronavirus Guidelines for America: 15 Days to Slow the Spread" https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20 coronavirus-guidance 8.5x11_315PM.pdf

by Elm Hills in the written notice that it will send to its customers pursuant to Commission

Rule 20 CSR 4240-10.075(7).

6. In furtherance of the Commission's Order, the parties recommend the

Commission exercise its authority under Commission Rule 20 CSR 4240-10.075(15) and

waive the provision of Commission Rule 20 CSR 4240-1075(6) requiring an LPH be

scheduled no later than sixty (60) days after the opening of this case.

7. In addition, the parties recommend the Commission direct the parties to file

a status report no later than May 15, 2020, advising the Commission about potential dates

and venues for scheduling an LPH on or after June 1, 2020. If the parties determine an

in-person LPH is not viable, they will propose alternative methods to inform customers

and the public, and gather public comment.

WHEREFORE, Staff prays, on behalf of itself, Elm Hills, and OPC, that the

Commission accept the parties' proposal, and grant any such other and further relief as

is just under 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 their counsel of record this 19th day of March, 2020.

/s/ Mark Johnson