

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

In the Matter of Missouri Utilities Company)
Small Company Rate Increase.)

Case No. WR-2009-0150

THE OFFICE OF THE PUBLIC COUNSEL'S POSITION STATEMENT

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Position Statement states as follows:

1. On October 23, 2008, Missouri Utilities Company (MO Utilities), through its court appointed receiver, Mr. Gary V. Cover, Esq., initiated a small company revenue increase request for its water services in Pettis County, Missouri.
2. On May 21, 2009, the Staff of the Missouri Public Service Commission (Staff) filed a Notice of Company/Staff Agreement Regarding Disposition of Small Water Company Revenue Increase Request (Company/Staff Agreement) indicating an agreement between Staff and MO Utilities for a water rate increase of \$170 annually (approximately 1.32%). Public Counsel did not join in the agreement.
3. On June 15, 2009, a local public hearing was held to allow customers to comment on the proposed water rate increase.
4. 4 CSR 240-3.050 (19) requires Public Counsel to file, no later than ten (10) working days after the local public hearing, a pleading stating its position regarding the Company/Staff Agreement and the related tariff revisions, or requesting that the Missouri Public Service Commission (Commission) hold an evidentiary hearing, and providing the reasons for its position or request.

5. Public Counsel states that it did not sign the Company/Staff Agreement because, although Public Counsel agreed with many of Staff's audit positions, Public Counsel had concerns regarding the appropriate cost of service for the utility. After continued discussions with Staff and MO Utilities, Public Counsel believes its concerns have been alleviated.

6. Therefore, pursuant to the requirement in 4 CSR 240-3.050 (19), Public Counsel now states that it does not oppose the Company/Staff Agreement and the related tariff revisions, and will not oppose their approval by the Commission.

WHEREFORE, Public Counsel respectfully submits its Position Statement.

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 29th day of June 2009:

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