

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

In the Matter of Oakbrier Estates Small)
Company Rate Increase.) **File No. WR-2009-0229**

OFFICE OF THE PUBLIC COUNSEL’S REPLY TO STAFF’S RESPONSE

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Reply to Staff’s Response states as follows:

1. On June 1, 2009, the Staff of the Missouri Public Service Commission (Staff) filed its Response to Office of the Public Counsel’s Request for Evidentiary Hearing and Motion to Suspend Tariff. In its Response, Staff points out that Public Counsel’s request for the tariffs to be suspended for 120 days plus six (6) months is outside the scope of the Missouri Public Service Commission (Commission) Rule 4 CSR 240-3.050 regarding the timeframe in which a small utility rate case should be disposed.
2. Public Counsel agrees that 4 CSR 240-3.050(20) states that, upon an evidentiary hearing request, the “utility’s pending tariff revisions shall then be suspended” by the Commission to allow time to conduct a hearing, complete any post-hearing procedure, and allow time for a Commission decision within the eleven (11) month timeframe. According to the Case Activities Timeline filed by Staff in this case, the eleven (11) month deadline for this case is October 26, 2009.
3. Public Counsel states that while 4 CSR 240-3.050 does not edict that a tariff suspension cannot be to a date beyond the eleven (11) month deadline, Public Counsel would be agreeable to a suspension of the proposed revised tariff sheets until the eleven (11) month deadline of October 26, 2009, or any such date as determined by the Commission so as to allow adequate

time for either a local public hearing or an evidentiary hearing and subsequent case disposition as appropriate.

WHEREFORE, Public Counsel submits its Reply to Staff's Response.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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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 2nd day of June 2009:

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