

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

In the Matter of the Application of Noel)
Water Company, Inc. for a General Increase)
in Water Revenues through the Informal) File No. WR-2009-0395
Rate Proceedings for Small Companies as)
Provided for in Rule 4 CSR 240-3.050.)

**OFFICE OF THE PUBLIC COUNSEL'S REQUEST FOR
RECONSIDERATION AND CLARIFICATION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Request for Reconsideration and Clarification states as follows:

Introduction

1. On May 6, 2009, Noel Water Company (Noel or the Utility) initiated a small company rate increase proceeding requesting an increase in its water rates of between \$75,000 and \$80,000 (30% to 33%) per year.
2. On May 12, 2009, the Staff of the Missouri Public Service Commission (Staff) filed a detailed timeline for this proceeding pursuant to 4 CSR 240-3.050.
3. On May 13, 2009, the Missouri Public Service Commission (Commission) adopted Staff's detailed timeline as the procedural schedule to be adhered to by all parties to this case.
4. Public Counsel appreciates and agrees with the Commission's efforts to formalize a procedural schedule to expedite the processing of this case.
5. Public Counsel was not given the opportunity to comment on the detailed timeline and requests reconsideration of one issue of particular concern to Public Counsel and seeks clarification on a small number of additional items now contained in the procedural schedule.

6. Public Counsel believes that by granting this request for reconsideration and clarification, the detailed timeline will be a workable and beneficial framework for this case and a basis for procedural schedules in future small company rate increase request cases.

Request for Reconsideration

7. Public Counsel requests that the Commission reconsider the requirement that the Utility and Public Counsel submit their responses regarding Staff's Case Overview on Target Day 100 of the procedural schedule.

8. Public Counsel suggests that due to the technical nature of the results contained in Staff's initial audit/investigation which will be supplied to the Utility and Public Counsel on Target Day 90 and the possibility additional information may be necessary, both the Utility and Public Counsel may have difficulty formulating their respective responses in just ten (10) days as required by the procedural schedule. Instead, Public Counsel suggests that having twenty (20) days for review would provide sufficient time for the Utility and Public Counsel to review Staff's initial audit/investigation results and allow time for seeking additional information necessary to formulating their responses.

9. Therefore, Public Counsel requests that the Commission reconsider and allow the due date for the Case Activity now listed at Target Day 100 to be extended to Target Day 110 to provide the Utility and Public Counsel twenty (20) days for review of the results contained in Staff's initial audit/investigation. Public Counsel would propose that all other sections of the procedural schedule remain the same.

Request for Clarification

10. Public Counsel makes the following requests regarding clarification of items in the procedural schedule:

- a. Public Counsel requests clarification that on Target Day 80, the basic audit/investigation work is to be completed on that day by both the Staff Auditing Department and the Staff Water & Sewer Department.
- b. Public Counsel requests clarification regarding what information and documentation is to be included in staff's "preliminary report" which is to be provided to the Utility and Public Counsel on Target Day 90. As the Utility and Public Counsel are to provide a response to this report, Public Counsel would suggest that the "preliminary report" should contain at least the accounting schedules supporting Staff's revenue requirement proposal, a proof of revenue supporting Staff's rate design proposal, Staff's workpapers, and a listing of the supporting documentation which Staff utilized, including the physical location where the documentation is located.
- c. Public Counsel requests that after Target Day 90, the Commission allow ten (10) days for response for all data requests in order to expedite review of the documentation and to provide for timely responses by the parties.
- d. Public Counsel requests clarification that on Target Day 100 (or Target Day 110, if the Commission grants reconsideration as requested herein), Staff will provide verification that its audit is considered "complete."
- e. Public Counsel requests that a Certificate of Mailing be sent by the Utility to the assigned Regulatory Law Judge as documentation of the Target Day 160 mailing of the second customer notice (as shown on Page 4 of 5 and Page 5 of 5).
- f. Public Counsel requests clarification that what is now listed as "OPC Files its Position Statement" on Target Day 185 (as shown on Page 4 of 5) and Target

Day 225 (as shown on Page 5 of 5) should actually state “OPC Files its Position Statement or Request for Evidentiary Hearing” as required by 4 CSR 3.050 (15) and (19).

g. Public Counsel requests that the Commission clarify whether Public Counsel’s filings on what are now listed as Target Day 185 (as shown on Page 4 of 5 and Page 5 of 5) and Target Day 225 (as shown on Page 5 of 5) are required to be filed on those specific calendar dates (November 9, 2009 and December 17, 2009, respectively) or are required to be filed no later than five (5) working days after the end of the comment period for the second customer notice¹ and no later than ten (10) working days after the local public hearing,² respectively.

h. Public Counsel requests that the Commission appoint a Settlement Mediator who would be available to the parties as needed to mediate settlement discussions. Public Counsel suggests that, in order to facilitate possible discussion mediation, the Settlement Mediator should receive copies of the documentation Staff is to provide to the Utility and Public Counsel on Target Day 90 and Target Day 120 and the responses of the Utility and Public Counsel as required by the procedural schedule on Target Day 100 (or Target Day 110, if the Commission grants reconsideration as requested herein) and Target Day 135.

WHEREFORE, Public Counsel submits its Request for Reconsideration and Request for Clarification.

¹ Per 4 CSR 3.050(15).

² Per 4 CSR 3.050(19).

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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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 18th day of May 2008:

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