

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

In the Matter of Missouri-American)
Water Company's Request for Authority to)
Implement a General Rate Increase for)
Water and Sewer Service Provided in)
Missouri Service Areas.)

Case No. WR-2010-0131

**THE OFFICE OF THE PUBLIC COUNSEL'S RESPONSE
TO ORDER TO APPEAR AT LOCAL PUBLIC HEARINGS**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response to Appear at Local Public Hearings states as follows:

1. On October 30, 2009, Missouri-American Water Company (MAWC) submitted tariffs to the Missouri Public Service Commission (Commission) for the purpose of implementing a general rate increase for water and sewer service provided in MAWC's Missouri service areas.
2. Between February 9, 2010 and February 17, 2010, the Commission issued several orders setting the dates for nine local public hearings in these matters.
3. On March 24, 2010, the Commission issued its *Order to Appear at Local Public Hearings* stating that it wished to "explore an alternative format through a series of pilot local public hearings that will facilitate a better explanation of the parties' perspectives with regard to proposed rate increases." To this end, the Commission ordered MAWC, the Staff of the Public Service Commission (Staff) and Public Counsel to:

- Prepare a written statement of its perspective, not more than one page, with sufficient copies for distribution at the question-and-answer session.
- Make a representative available in person as follows. Each such representative shall address substantive issues during the question-and-answer session. Such representative may take five minutes during the question-and-answer session to set forth any perspective it has on the pending rate increase request.

- Such representative shall also address questions from the audience during the question-and-answer session.

The Commission also stated that this Order applied to the following local public hearings: March 31, 2010 - St. Louis region (south); April 1, 2010 - St. Louis region (north); and April 7, 2010 - Joplin.

4. Public Counsel agrees with the Commission's statement that one of the purposes of local public hearings is to educate the public about issues pending before the Commission, including proposed rate increases. Public Counsel also agrees that perspectives regarding proposed rate increases are best articulated by the parties that are promoting them. However, Public Counsel has concerns regarding the sudden ordering of this "pilot program" without seeking Public Counsel's input as to its feasibility and implementation.

5. Until the recent budget crisis, Public Counsel has tried very hard to have someone in person at each local public hearing. However, due to personnel cuts and a strict ban on travel, this is becoming increasingly difficult for Public Counsel to achieve.

6. Additionally, it very hard for Public Counsel to appear in person when the Commission schedules two local public hearings in the same case at the same time, or schedules a water local public hearing in the evening of the same day it schedules a water evidentiary hearing (similarly with electric and gas, as well).

7. In this case, the Commission has ordered Public Counsel to appear in person at the St. Louis local public hearings (a 2½ hour drive each way) scheduled for March 31, 2010 and April 1, 2010 when the Commission has also scheduled a water and sewer evidentiary hearing for those same days. Additionally, the Commission has ordered Public Counsel to appear in person at the local public hearing on April 7, 2010 in Joplin (a 4 hour drive each way) when the

Commission-approved procedural schedule also includes a prehearing conference in this case that same day. As each of these local public hearings is scheduled to be videoconferenced back to the Commission's hearing rooms in Jefferson City, Public Counsel had intended to participate from Jefferson City in order to allow the employees to attend each of the day's scheduled activities. Now, other plans must be made on relatively short notice.

8. Public Counsel believes that local public hearings are vital to utility customers and sees merit in the Commission's limited pilot program that has been ordered. However, while Public Counsel may, with difficulty, be able to comply with this limited pilot as ordered, Public Counsel asks that any further pilot program roll-out be delayed until next fiscal year since as Public Counsel has no travel money and all travel costs to meet this limited order will be coming out of the employee's own pocket.

9. Public Counsel also states that it would be more than willing to discuss the feasibility of a rulemaking to address any permanent changes to the local public hearing process so that all parties' procedural requirements and the resulting fiscal impacts could be addressed.

10. WHEREFORE, Public Counsel respectfully submits its Response.

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 25th day of March 2010:

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