

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

In the Matter of I.H. Utilities, Inc., )  
Small Company Rate Increase )

**File No. WR-2010-0048**  
**Tracking No. YW-2010-0068**

## **NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING**

Issue Date: April 22, 2010

Effective Date: April 22, 2010

The Missouri Public Service Commission is giving notice that the Commission's staff ("Staff") has filed a motion to modify ("motion") the disposition agreement ("agreement"). The Commission is also directing Staff to file a pleading as described below. The Commission is also setting the time for any response to such pleading.

### **Background**

The agreement was the subject of the Commission's order issued under this file number on October 21, 2010 ("decision"). In the decision, the Commission adopted the agreement and required the parties to comply with it ("earlier action"). The Commission received no motion for rehearing on the decision. Therefore, the decision became final on October 27, 2010. On April 19, 2010, Staff filed the motion to modify the decision.

### **Notice**

The motion includes a certificate of service "to all counsel of record [.]". But, of the parties to the earlier action, only the Office of Public Counsel entered an appearance. No counsel appeared for I.H. Utilities, Inc. Therefore, the Commission is attaching a copy of the motion to this notice and order.

The decision determined the legal rights, duties or privileges of Staff, I.H. Utilities, Inc., and the public in the earlier action. In this action, those matters are again subject to

determination, so the same parties have the same right to a hearing.<sup>1</sup> That right signifies that this action is a “contested case.”<sup>2</sup> Contested case procedure provides for waiver of procedural formalities,<sup>3</sup> and a decision without a hearing,<sup>4</sup> including by stipulation and agreement.<sup>5</sup> But the motion does not represent that any other party agrees with or stipulates to the motion.

Therefore, the Commission will order filings on which it can determine whether the parties stipulate to or agree with the motion.

### **Responsive Filings**

This notice and order does not require any party to file an answer. The Commission will order Staff to file a pleading responsive to this order. The other parties will have the opportunity to join in or respond to such pleading.

#### **THE COMMISSION ORDERS THAT:**

1. No later than May 24, 2010, the Commission’s staff shall file a pleading stating whether any other party agrees with or stipulates to the Motion to Modify Order Approving Disposition Agreement.

2. As to such pleading, any party shall either:

- a. Join in a stipulation and agreement;<sup>6</sup> or
- b. File a response within seven days of the filing date of a non-unanimous stipulation;<sup>7</sup> or

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<sup>1</sup> The Commission’s discovery regulations are at 4 CSR 240-2.090.

<sup>2</sup> Sections 536.063(1), RSMo 2000; and 536.010(4), RSMo Supp. 2008.

<sup>3</sup> Sections 536.060(3) and 536.063(3), RSMo 2000.

<sup>4</sup> Sections 536.060 (3), RSMo 2000.

<sup>5</sup> Sections 536.060(4), RSMo 2000.

<sup>6</sup> 4 CSR 240-2.115(1).

<sup>7</sup> 4 CSR 240-2.115(2).

c. File a response within ten days of the filing date of any other pleading.<sup>8</sup>

3. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 22<sup>nd</sup> day of April 2010.

Jordan, Regulatory Law Judge

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<sup>8</sup> 4 CSR 240-2.080(15).