

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

In the Matter of the Request for an)
Increase in Water Operating Revenues)
of Emerald Pointe Utility Company)

Case No. WR-2013-0017

**MOTION TO EXTEND FILING OF COMPANY/STAFF DISPOSITION AGREEMENT
AND
REQUEST FOR LOCAL PUBLIC HEARING**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and pursuant to 4 CSR 240.050 (12) hereby states:

1. On July 16, 2012, the Missouri Public Service Commission (Commission) received a Rate Increase Request Letter from Emerald Pointe Utility Company (Emerald Pointe or Company) requesting Commission approval of an increase of \$186,000 in its annual sewer system operating revenues and an increase of \$13,000 in its annual water system operating revenues pursuant to Commission Rule 4 CSR 240-3.050 (Small Utility Rate Case Procedure), which were respectively assigned Commission Case Nos. SR-2013-0016 and WR-2013-0017.

2. Commission Rule 4 CSR 240-3.050(11) states that “[n]o later than one hundred fifty (150) days after a case is opened,” Staff shall file a disposition agreement between at least Staff and the utility providing for a full or partial resolution of the utility’s revenue increase request.

3. Commission Rule 4 CSR 240-3.050(12) provides that “staff and the small utility may agree that the deadlines set out in section... (11) be extended for up to two (2) months. If an extension is agreed upon, the staff shall file a written agreement regarding the extension and an updated timeline reflecting the extension in the case file.”

4. Pursuant to Commission Rule 4 CSR 240-3.050(12), Staff requests the Commission grant a 60-day extension of the date by which a disposition agreement must be filed from December 13, 2012 to February 15, 2013. Staff reports that Staff and the utility owners have discussed and agreed to this request for a 60-day extension.

5. An updated timeline reflecting the requested 60-day extension is attached hereto as Appendix A and incorporated by reference herein.

6. Additionally, if a request for a local public hearing is made in a small water or sewer rate case, it is typically requested by the Office of the Public Counsel (Public Counsel), pursuant to Commission Rule 4 CSR 240-3.050 (15). However, Staff hereby requests a local public hearing in this matter for the reasons discussed below.

7. Staff has received several public comments and asserts that the customers will benefit from a local public hearing so that some of their questions may be answered by representatives of Emerald Pointe, Staff or Public Counsel. Scheduling a local public hearing at this time, without waiting to determine if Public Counsel will make such a request pursuant to Commission Rule 4 CSR 240-3.050 (15), assists the parties and the Commission in finalizing this case by the eleven-month deadline¹ of June 16, 2013.

8. Staff requests the local public hearing be scheduled at the Commission's earliest convenience.

WHEREFORE, Staff requests that the Commission enter an Order extending the date by which a disposition agreement must be filed in this matter until February 15, 2013, and further requests that the Commission schedule a local public hearing in this

¹ See 4 CSR 240-3.050(24)

matter at its earliest opportunity and any other relief the Commission deems appropriate.

Respectfully submitted,

/s/ Rachel M. Lewis

Rachel M. Lewis
Deputy Counsel
Missouri Bar No. 56073

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-6715 (Telephone)
(573) 751-9285 (Fax)
rachel.lewis@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 11th day of October, 2012.

/s/ Rachel M. Lewis

Small Utility Rate Case Timeline

MO PSC Case No. WR-2013-0017

Utility Name & Contact Info	Emerald Pointe Utility Company, Inc.
Contact Person	Bruce Menke
Mailing Address	118 State Drive Hollister MO 65672
Phone Contact (land line)	(417) 332-1099 extension 4103
Phone Contact (mobile)	
Fax Contact	
E-Mail Address	
Date Case Opened	July 16, 2012
Agreement Filing Due Date	February 11, 2013
9-Month Deadline	April 16, 2013
11-Month Deadline	June 16, 2013

Set out on the following pages is the activities timeline pertaining to the processing of the above-referenced small utility revenue increase request. This timeline assumes that the Staff's investigation of the revenue increase request will result in a conclusion that an increase in the subject utility's operating revenues is needed, that at least the Utility and Staff will reach an agreement regarding the overall resolution of the request without the need for time extensions, and that the request will be resolved without an arbitration process being used or an evidentiary hearing being held. For cases where an arbitration process is going to be used or an evidentiary hearing is going to be held, it is anticipated that a procedural schedule will be set when that becomes known. In such instances, the 9-month and 11-month deadlines will need to be considered in setting the procedural schedule.

The schedule set out in the timeline establishes the Target Due Date for the completion of certain activities needed to process the request in a timely manner. Extensions of the disposition agreement filing deadline, which is 150 days after the date the utility files its request, and certain other deadlines are allowed (and under some circumstances are required) and if executed will result in changes to the timeline. Agreements for such extensions, which are limited to a maximum of 60 days, will be reduced to writing and filed in the case file, along with an updated timeline.

The entries in the Target Day column represent the number of days from the date the utility filed its request. The entries in the Target Due Date column show the date when the Target Day hits the calendar. To determine the entries for the Calendar Due Date column, Target Due Dates falling on a weekend or a holiday are moved to the next regular working day, except that the effective dates for pending revised tariff sheets cannot be adjusted.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
0	07/16/12	N/A	Request Letter Filed and Case Opened (agreement filing due date calculated from this date)	Utility	3
5	07/21/12	07/23/12	Compliance with Section 4 of Rule Confirmed (case can be dismissed in case of non-compliance)	Case Coordinator	4
7	07/23/12	07/23/12	Case Activities Timeline Filed in Case File	Case Coordinator	5
10	07/26/12	07/26/12	Draft of Initial Customer Notice Sent to Utility & OPC	Case Coordinator	
			Letter Sent to Utility & OPC Regarding Expected Staff Activities and Identifying Participating Staff Members	Case Coordinator	
20	08/05/12	08/06/12	Requests for Information Needed for Audit Communicated to Utility by Assigned Staff (if done in writing, copies also sent to OPC)	Assigned Staff	
30	08/15/12	08/15/12	Initial Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	7
40	08/25/12	08/27/12	Responses to Requests for Information Provided to Staff by Utility (staff provides copies of information received to OPC) OR Extension of Agreement Filing Due Date Agreed to by Utility OR Staff May File Motion to Dismiss Case	Utility & Assigned Staff	4
			Copy of Initial Customer Notice Filed in Case File	Case Coordinator	7
50	09/04/12	09/04/12	Follow-Up Requests for Information Communicated to Utility by Assigned Staff (if done in writing, copies also sent to OPC)	Assigned Staff	
60	09/14/12	09/14/12	End of Response Period for Initial Customer Notice	N/A	7
70	09/24/12	09/24/12	Responses to Follow-Up Requests for Information Provided to Staff by Utility (staff provides copies of information received to the OPC) OR Extension of Agreement Filing Due Date Agreed to by Utility OR Staff May File Motion to Dismiss Case	Utility & Assigned Staff; Case Coordinator	4
75	09/29/12	10/01/12	Deadline for Completion of Construction Projects to be Included in Case OR Agreement Filing Due Date Extended So Projects Can be Included in Case	Utility; Case Coordinator	4
			Continued Compliance with Section 4 of Rule Confirmed (case can be dismissed in case of non-compliance)	Case Coordinator	
			Unless Notified Otherwise, or Unless Extensions Have Been Agreed Upon, Utility & OPC Can Assume the Process is On-Track for Timely Completion	Case Coordinator	

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
80	10/04/12	10/04/12	Basic Audit/Investigation Work Completed	Assigned Staff	
85	10/09/12	10/09/12	Initial Audit/Investigation Reports Completed and Provided to Case Coordinator	Assigned Staff	
90	12/13/12	12/13/12	Overview of Staff's Initial Audit/Investigation Results Provided to the Utility & OPC	Case Coordinator	9
100	12/23/12	12/24/12	Utility & OPC Submit Responses Regarding Staff's Case Overview to Case Coordinator (errors/ommissions to be identified and suggested changes to be included) OR Staff Assumes Information Provided is Acceptable (Staff's audit considered "complete" at this time)	Utility & OPC	
120	01/12/13	01/14/13	Staff's Settlement Proposal Packet Sent to Utility & OPC and Arrangements Made for Conference Call or Meeting to Discuss the Proposal	Case Coordinator	10
130	01/22/13	01/22/13	Conference Call or Meeting Held with Utility & OPC to Discuss Staff's Settlement Proposal	Utility, OPC & Staff	
135	01/27/13	01/28/13	Utility & OPC Notify Staff of Whether They Agree with the Settlement Proposal (if not, the reasons for that and suggested changes to the settlement proposal documents are provided to the Case Coordinator)	Utility & OPC	
			Utility Must Respond OR Agree to Extension of Agreement Filing Due Date OR Staff May File Motion to Dismiss Case	Utility; Case Coordinator	4
140	02/01/13	02/01/13	Agreed-Upon Changes to Settlement Proposal Documents Completed and Final Disposition Agreement Sent to Company for Signing (copy also sent to OPC; OPC may or may not sign)	Case Coordinator	
			Continued Compliance with Section 4 of Rule Confirmed (case can be dismissed in case of non-compliance)	Case Coordinator	4
145	02/06/13	02/06/13	Signed Disposition Agreement Returned to Staff	Utility; OPC (if applicable)	
			Staff Sends Revised Tariff Sheets and Draft Tariff Filing Transmittal Letter to the Utility	Case Coordinator	
150	02/11/13	02/11/13	Staff Files Executed Disposition Agreement	Case Coordinator	11

Activities needed from this point forward vary based on the approach taken by the OPC. The next three sections set out the activities needed based on the different OPC approaches that are possible.

This section pertains to the situation where the Utility, Staff & OPC reach an agreement on the overall disposition of the request, and is thus based on the fact that the Utility will not send out a second customer notice. In this situation, a minimum of 30 days is needed between the filing date and the proposed effective date of the Utility's tariff revisions. The dates shown assume that the Utility will make a 30-day tariff filing on Day 155.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
155	02/16/13	02/19/13	Utility Files Necessary Tariff Revisions	Utility	13
165	02/26/13	02/26/13	Staff Recommendation Filed if applicable OR ordered by the Commission. (includes confirmation of Utility's continued compliance with Section 4 of Rule OR motion for suspension of tariff revisions requesting correction of the deficiencies will be submitted)	Case Coordinator	
175	03/08/13	03/08/13	Order Approving Tariff Revisions Issued	Assigned RLJ	
185	03/18/13	03/18/13	Tariff Revisions Effective "On and After" this Date	N/A	13
190	03/23/13	03/25/13	Draft of Final Customer Notice Sent to Utility & OPC	Case Coordinator	
200	04/02/13	04/02/13	Final Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	22
210	04/12/13	04/12/13	Copy of Final Customer Notice Filed in Case File	Case Coordinator	22
215	04/17/13	04/17/13	Notice Closing Case Issued	Assigned RLJ	

This section pertains to the situation where only the Utility and Staff reach an agreement on the overall disposition of the request, and is thus based on the fact that the Utility will send out a second customer notice. This section is also based on the assumption that the OPC will not request a local public hearing. In this situation, a minimum of 45 days is needed between the filing date and the proposed effective date of the Utility's tariff revisions. The dates shown assume that the Utility will make a 45-day tariff filing on Day 155.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
150	02/11/13	02/11/13	Draft of Second Customer Notice Sent to Utility & OPC	Case Coordinator	
155	02/16/13	02/19/13	Utility Files Necessary Tariff Revisions	Utility	14
160	02/21/13	02/21/13	Second Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	14
170	03/03/13	03/04/13	Copy of Second Customer Notice Filed in Case File	Case Coordinator	14
180	03/13/13	03/13/13	End of Response Period for Second Customer Notice	N/A	14
187	03/20/13	03/20/13	OPC Files Its Position Statement	OPC	15
188	03/21/13	03/21/13	Staff Recommendation Filed if applicable OR ordered by the Commission. (includes confirmation of Utility's continued compliance with Section 4 of Rule OR motion for suspension of tariff revisions requesting correction of the deficiencies will be submitted)	Case Coordinator	
190	03/23/13	03/25/13	Order Approving Tariff Revisions Issued	Assigned RLJ	
200	04/02/13	04/02/13	Tariff Revisions Effective "On and After" this Date	N/A	14
205	04/07/13	04/08/13	Draft of Final Customer Notice Sent to Utility & OPC	Case Coordinator	
215	04/17/13	04/17/13	Final Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	22
225	04/27/13	04/28/13	Copy of Final Customer Notice Filed in Case File	Case Coordinator	22
230	05/02/13	05/02/13	Notice Closing Case Issued	Assigned RLJ	

This section pertains to the situation where only the Utility and Staff reach an agreement on the overall disposition of the request, and is thus based on the fact that the Utility will send out a second customer notice. This section is also based on the assumption that the OPC will request a local public hearing and that one will be held. In this situation, a minimum of 45 days is needed between the filing date and the proposed effective date of the Utility's tariff revisions. The dates shown assume that the Utility will make a 45-day tariff filing on Day 155. The dates also assume that the tariff revisions will be suspended for 45 days past the proposed effective date, and that the local public hearing will be held 30 days before the end of the suspension period.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
150	02/11/13	02/11/13	Draft of Second Customer Notice Sent to Utility & OPC	Case Coordinator	
155	02/16/13	02/19/13	Utility Files Necessary Tariff Revisions	Utility	14
160	02/21/13	02/21/13	Second Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	14
170	03/03/13	03/04/13	Copy of Second Customer Notice Filed in Case File	Case Coordinator	14
180	03/13/13	03/13/13	End of Response Period for Second Customer Notice	N/A	
187	03/20/13	03/20/13	OPC Files Request for Local Public Hearing	OPC	15
190	03/23/13	03/25/13	Order Setting Local Public Hearing and Suspending Tariff Revisions Issued	Assigned RLJ	
195	03/28/13	03/28/13	Draft of LPH Customer Notice Sent to Utility & OPC	Case Coordinator	
200	04/02/13	04/02/13	Notice of Local Public Hearing Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	18
210	04/12/13	04/12/13	Copy of LPH Customer Notice Filed in Case File	Case Coordinator	18
215	04/17/13	04/17/13	Local Public Hearing Held	Assigned RLJ	
222	04/24/13	04/24/13	Staff Files Notice re: Possible Changes to the Disposition Agreement Based on Info Provided at the Local Public Hearing (includes motion to suspend tariff revisions if needed) 5 WORKING DAYS	Case Coordinator	19
229	05/01/13	05/01/13	OPC Files Its Position Statement** 10 WORKING DAYS	OPC	19
230	05/02/13	05/02/13	Staff Recommendation Filed if applicable OR ordered by the Commission. (includes confirmation of Utility's continued compliance with Section 4 of Rule OR motion for suspension of tariff revisions requesting correction of the deficiencies will be submitted)	Case Coordinator	
235	05/07/13	05/07/13	Order Approving Tariff Revisions Issued	Assigned RLJ	
245	05/17/13	05/17/13	Tariff Revisions Effective "On and After" this Date	N/A	14
250	05/22/13	05/22/13	Draft of Final Customer Notice Sent to Utility & OPC	Case Coordinator	
260	06/01/13	06/03/13	Final Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	22
270	06/11/13	06/11/13	Copy of Final Customer Notice Filed in Case File	Case Coordinator	22
275	06/16/13	06/17/13	Notice Closing Case Issued	Assigned RLJ	