

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Missouri-American Water Company's) **File No. WR-2010-0131**
Request for Authority to Implement a) Tracking No. YW-2010-0310
General Rate Increase for Water Service) YS-2010-0311,YS-2010-0312,
Provided in Missouri Service Areas) YS-2010-0313,YS-2010-0314

and

In the Matter of Missouri-American Water Company's)
request for a variance from) **File No. WE-2010-0136**
certain requirements set forth in 4 CSR 240-2.050)

ORDER REGARDING LOCAL PUBLIC HEARING IN VARIANCE CASE

Issue Date: February 2, 2010

Effective Date: February 2, 2010

The Missouri Public Service Commission is setting a deadline for parties to file a request for a local public hearing in File No. WE-2010-0136 ("variance case"). Missouri-American Water Company ("MAWC") initiated the variance case on October 30, 2009. In the variance case, MAWC seeks changes to its collection practices.

The variance case appeared, at first, closely related to File No. WR-2010-0131 ("rate case") for several reasons. Missouri-American Water Company ("MAWC") filed each application on the same day, seeking a change to its tariffs, and including proposed tariffs. For those reasons, the order directing notice of local public hearings in the rate case requires notice of the variance case.¹ No party requested that provision. The Commission made it for reasons of perceived efficiency.

But the cases appear less related now than they did then. Different counsel represents MAWC in each case. Also, the natures of the accompanying tariffs differ

¹ File No. WR-2010-0131, order issued on November 18, 2009, page 8, paragraph 6.c; corrected by order issued on November 19, 2009, page 2, paragraph 6.c.

significantly. In the rate case, they comprehensively address rates and service in all MAWC water and sewer service territories across Missouri. In the variance case, they are illustrative only² and apply in St. Louis County only.³

Further, the positions of the parties differ in each case. The rate case is a contested case, OPC has sought local public hearings,⁴ and the proposed tariffs are suspended until September 29, 2010. In the variance case, the recommendation of the Commission's staff supports the application for service improvement and cost reduction.⁵

That recommendation has drawn no response from the Office of the Public Counsel ("OPC"),⁶ though OPC expressly reserved its right to do so.⁷ OPC has taken no position in the variance case,⁸ and its request for local public hearings in the rate case⁹ did not mention the variance case. Thus, no party has questioned the merits of the application in the variance case.

Moreover, the setting of local public hearings has not yet been finalized. These developments raise an issue, as to whether the Commission should further the delay its decision in the variance case, for a local public hearing that no party has expressly sought. In that light, the order requiring notice of the variance case, in the notice of local public hearings in the rate case, bears re-examination.

Therefore, the Commission will set a deadline for any party to file a motion expressly requesting a local public hearing in the variance case.

² MAWC's Response to Order Directing Expedited Filing, filed Nov. 20, 2009; and MAWC's Motion for Leave to Amend Application, filed Nov. 30, 2009.

³ Recommendation, filed Jan. 29, 2010, page 3, last paragraph.

⁴ Request for Local Public Hearings, filed December 31, 2009,

⁵ Filed January 19, 2010.

⁶ The order issued on January 20, 2010, set a deadline of January 20, 2010.

⁷ The Office of the Public Counsel's Response to Application to Waiver, filed Dec. 17, 2009.

⁸ The Office of the Public Counsel's Response to Application to Waiver, filed Dec. 17, 2009.

⁹ Request for Local Public Hearings, filed December 31, 2009,

THE COMMISSION ORDERS THAT:

1. Any motion requesting a local public hearing in File No. WE-2010-0136 shall be filed no later than February 4, 2010.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of February 2010.