

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

In the Matter of Missouri-American Water)	
Company's Request for Authority to)	Case No. WR-2015-0301
Implement a General Rate Increase for)	Case No. SR-2015-0302
Water and Sewer Service Provided in)	
Missouri Service Areas.)	

**OPC REPLY IN OPPOSITION TO
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel ("OPC") and for its Reply in Opposition to Motion for Expedited Treatment respectfully states:

1. On June 20, 2016, Missouri-American Water Company ("MAWC") filed a Motion for Expedited Treatment and Approval of Compliance Tariffs in regard to MAWC's proposed water tariffs. MAWC's motion states the tariffs sheets bear a thirty-day effective date as required by Section 393.140(11) RSMo, but MAWC requests expedited treatment and that the proposed tariff sheets become effective June 28, 2016.

2. On June 22, 2016, MAWC filed a second Motion for Expedited Treatment and Approval of Compliance Tariffs in regard to MAWC's proposed sewer tariffs. MAWC's motion states the tariffs sheets bear a thirty-day effective date as required by Section 393.140(11) RSMo, but MAWC requests expedited treatment and that the proposed tariff sheets become effective June 30, 2016.

3. OPC opposes the relief requested because the time it provides OPC to review the proposed tariffs is considerably inadequate. OPC will not have a sufficient opportunity to review the proposed tariff and review work papers from the Staff and/or MAWC that show how the rates were calculated. OPC's review is made even more difficult by the fact that the rates of multiple rate classes are being adjusted by multiple

factors, including: (1) the overall general rate increase approved by the Commission; (2) the adjustments to the monthly customer charge; (3) the adjustments caused by district consolidation; (4) the move to statewide customer charges; and (5) the application of those changes across all rate classes. These are complex rate adjustments that demand additional time to review. OPC requested the work papers calculating the multiple tariff rates from the Staff and MAWC but those parties have not responded. Without the full thirty-days required by statute, OPC will not have a reasonable opportunity to review the proposed tariffs before they become effective and OPC's right to due process under Article 1, Section 10, of the Missouri Constitution would be violated. OPC urges the Commission to deny MAWC's motions and instead provide the public with the full statutory thirty-days to review the tariffs and provide feedback before those tariffs are considered by the Commission. If the thirty-day statutory timeframe has any application in a tariff review, it would be this case where multiple changes are occurring simultaneously to all rate classes.

4. MAWC's arguments as to why it believes good cause exists for granting the motions to expedite are neither convincing nor supported by the record. MAWC first argument is good cause exists because "the Commission and the public have been aware of MAWC's request for a rate increase for over ten months." This reason ignores the fact that the majority of customers are likely unaware of the Commission's rate consolidation decision and the impact that decision will have upon their rates – customers only received notice of the potential rate increase months ago. Customers could not have contemplated the manner in which rates are being restructured because that information was never

provided through this previous notice. Notice and publication is required by Section 393.150 RSMo, which states in part:

Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement, or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed and published by a gas corporation, electrical corporation, water corporation, or sewer corporation **in compliance with an order or decision of the commission, except after thirty days' notice to the commission and publication for thirty days** as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe.

[emphasis added]. MAWC's proposed tariff filing was purportedly made "in compliance with an order or decision of the commission" and, therefore, the statute requires a thirty-day *notice* to the Commission and thirty-day *publication* to inform the public of the rate change "which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect." Section 393.150(11) RSMo. Until MAWC filed the proposed rates on June 20, 2016 and June 22, 2016, the final rates were unknown and had not been made public through a proposed tariff change.

5. MAWC's second reason for expedited approval is their claim the parties have had time to consider "all aspects of the Company's' request." However, the proposed tariff revisions were not provided until this week. OPC has not had an opportunity to consider any aspect of the proposed tariff revisions, including the calculations of the rates.

6. MAWC's last reason for expedited approval is the "operation of law" is June 28, 2016. The Commission already satisfied the operation of law provision found in Section 393.150 RSMo when it issued its Report and Order rejecting MAWC's proposed tariff and ordering MAWC to file a new tariff consistent with the Report and Order (*See* Report and Order, pp. 54-55).

WHEREFORE, the Office of Public Counsel respectfully offers this reply in opposition to MAWC's request to expedite consideration of MAWC's compliance tariffs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 24th day of June 2016.

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