

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

In the Matter of the Application of Lakeland Heights Water Company, Inc. for a Small Company Rate Increase )  
 )  
 ) **File No. WR-2009-0227**  
 Tariff No. YW-2009-0764

## ORDER GRANTING REQUEST FOR A LOCAL PUBLIC HEARING AND SUSPENDING TARIFF

Issue Date: June 4, 2009

Effective Date: June 4, 2009

## Background

On November 26, 2008, Lakeland Heights Water Company, Inc. (“Lakeland Heights”)<sup>1</sup> initiated a small sewer company rate increase action pursuant to Commission Rule 4 CSR 240-3.050. Lakeland Heights asked for an annualized water system operating revenue increased of \$10,200.

On April 27, 2009,<sup>2</sup> Staff and Lakeland Heights filed a Disposition Agreement (“Agreement”) that included comprehensive accounting schedules, a review of Lakeland Height’s customer service and business operation and example tariffs designed to implement the agreed upon revenue requirements. On April 30, Lakeland Heights filed revised tariff sheets reflecting certain rate and language changes to bring the tariffs into full conformity with the Agreement. The tariff sheets bear an effective date of June 15.

<sup>1</sup> Lakeland Heights provides service to approximately 113 customers in its certificated service area under the provision of its Commission-approved tariff.

<sup>2</sup> All dates from this point forward refer to the year 2009 unless otherwise noted.

## **Public Counsel's Response**

The Office of the Public Counsel ("Public Counsel") did not join in the Agreement. Instead, on May 29, Public Counsel filed motions requesting the Commission suspend the tariff and schedule a local public hearing, or in the alternative, an evidentiary hearing.<sup>3</sup> Public Counsel notes several deficiencies in Staff's EMSD Report that warrant giving Lakeland Heights' customers an opportunity to comment. This is sufficient for the grant of a public hearing.

The time-line filed by Staff, which is the procedural schedule by operation of 4 CSR 240-3.050(5), contemplates holding a local public hearing on, or around, June 29, 2009. Additionally, Commission Rule 4 CSR 240-2.110(1) requires the Commission to set the time and place for hearings and serve notice as required by law. Section 536.067(4), RSMo 2000, and Section 386.390.5, RSMo 2000, require at least ten days notice be given prior to a hearing. In complying with its statutory mandate, and taking into consideration the expedited nature of the small water company rate increase procedure, the Commission shall set the date for the local public hearing, by separate order, that is as reasonably close to June 29<sup>th</sup> as is practical.

## **Tariff Suspension**

Because the date for the local public hearing is beyond the effective date for the tariffs, the Commission shall suspend the tariffs.

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<sup>3</sup> The Commission is granting OPC's request to convene a local public hearing. Therefore, the Commission will not rule on the evidentiary hearing request, which was made in the alternative to the local public hearing request.

**THE COMMISSION ORDERS THAT:**

1. That the following revised tariff sheets filed by Lakeland Heights Water Company, Inc. on April 30, 2009, and assigned Tariff File No. YW-2009-0764, are suspended for 60 days, or until August 14, 2009, or until otherwise ordered by the Commission:

**P.S.C. MO No. 2**

2<sup>nd</sup> Revised Sheet No. 4, Canceling 1<sup>st</sup> Revised Sheet No. 4  
1<sup>st</sup> Revised Sheet No. 5, Canceling Original Sheet No. 5

2. The Commission shall set a local public hearing by separate order.
3. This order shall become effective immediately upon issue.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Ronald D. Pridgin, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4th day of June, 2009.