

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

In the Matter of the Rate Increase of) **File No. WR-2012-0267**
Oakbrier Water Co.) Tariff No. YW-2013-0257

ORDER APPROVING TARIFF

Issue Date: December 7, 2012

Effective Date: December 14, 2012

On December 6, 2012,¹ Oakbrier Heights Water Co., (hereafter “Oakbrier”) filed tariff sheets, effective January 5, 2013, to allow it to provide water service. Oakbrier filed the tariff as allowed by the Commission on December 5, in the Commission’s Order Approving Unanimous Stipulation and Agreement and Authorizing Tariff Filing.

On December 6, the Commission noted that Staff had previously stated that Oakbrier, Staff and the Office of Public Counsel (“OPC”) agreed that the new rates contemplated by the Unanimous Stipulation and Agreement should become effective as of December 14. The Commission ordered any objections to the new tariffs to be filed by December 11.

On December 7, Staff recommended that the Commission approve the tariffs to become effective on December 14. Also on December 7, OPC stated that it did not object to the tariffs becoming effective on December 14.

The Commission has authority to approve tariff sheets pursuant to Sections 393.140(11) and 393.150, RSMo. Also, Section 393.130.1, RSMo, requires that charges for water service be just and reasonable. The Commission’s December 5

¹ Unless otherwise stated, all calendar references are to 2012.

order approving the parties' unanimous disposition agreement means that the Commission found the rates agreed upon in that agreement to be just and reasonable.

The Commission further finds that good cause exists for Oakbrier to be excused from the Section 393.140(11) requirement that tariffs have a 30-day effective date. To constitute good cause, the reason or legal excuse given "must be real not imaginary, substantial not trifling, and reasonable not whimsical."² No party objects to Staff's assertion that the Commission has good cause to order the tariffs into effect before the 30-day effective date. The Commission independently finds and concludes that it has good cause to order the tariffs into effect before the 30-day effective date.

The Commission has reviewed the tariff sheets and Staff's recommendation. The Commission finds that the tariff sheets conform to the Commission's December 5 order, and should be approved to become effective on December 14.

THE COMMISSION ORDERS THAT:

1. The tariff filed by Oakbrier Water Co. on December 6, 2012, and assigned tariff number YW-2013-0257, is approved to become effective on December 14, 2012.

The tariff approved is:

PSC MO No. 2
Canceling PSC MO No. 1

² *Belle State Bank v. Indus. Comm'n*, 547 S.W.2d 841, 846 (Mo. App. 1977). See also *Barclay White Co. v. Unemployment Compensation Bd.*, 50 A.2d 336, 339 (Pa. 1947) (to show good cause, reason given must be real, substantial, and reasonable).

2. This order shall become effective on December 14, 2012.
3. This file may be closed on December 15, 2012.

BY THE COMMISSION



Steven C. Reed
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 7th day of December, 2012.