

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 27th day of
August, 2014.

In the Matter of a Requested Rate Increase for	)	
Annual Sewer Operating Revenues by	)	File No. WR-2014-0167
Hickory Hills Water & Sewer	)	Tracking No. YW-2015-0006

**ORDER SUSPENDING TARIFF, NOTICE OF CONTESTED CASE,
NOTICE OF HEARING, AND PROCEDURAL SCHEDULE**

Issue Date: August 27, 2014

Effective Date: August 27, 2014

The Missouri Public Service Commission is granting *The Office of the Public Counsel's Request for Evidentiary Hearing* and granting the request to suspend the tariff. The Commission is also reserving ruling on the disposition agreement. The applicant is Hickory Hills Water & Sewer ("the utility"), which supplies water service to 47 customers, all of which are residential, in the Missouri county of Moniteau.

A. Filings

The utility initiated this action by applying for a rate increase.¹ The utility is within the Commission's regulation for a less formal rate-making process ("regulation").² That process generally includes a deadline of up to 11 months from the filing date to effective date of the Commission's decision ("deadline").³

¹ Electronic Filing and Information System, ("EFIS") No. 1, filed on December 2, 2013.

² 4 CSR 240-3.050.

³ 4 CSR 240-3.050(24).

Staff filed the agreement⁴ (“agreement”). The agreement provided for the filing of schedules for rates and terms for service (“tariff”). The utility filed the tariff with a proposed effective date of September 1, 2014.⁵ The agreement also provided for a full resolution of the utility’s request between Staff and the utility. But the agreement did not include the Office of the Public Counsel (“OPC”).

OPC filed a request for a local public hearing, which included a motion to suspend the tariff,⁶ on which the Commission reserved ruling.⁷ After the local public hearing, Staff filed a statement that the local public hearing revealed no information changing Staff’s endorsement of the agreement.⁸ But OPC filed a motion for an evidentiary hearing (“request”) ⁹ incorporating a list of issues.¹⁰

B. Suspension

On the filing of such a request, the Commission’s regulations require:

The utility's pending tariff revisions **shall then be suspended**, and the utility's case **shall be resolved through contested case procedures** conducted **in the time remaining** in the rate case process, **consistent with** the requirements of

⁴ EFIS No. 28, *Company/Staff Agreement Regarding Disposition of Hickory Hills Water and Sewer Revenue Increase Request*, filed on July 7, 2014.

⁵ EFIS No. 29, filed on July 14, 2014.

⁶ EFIS No. 30, *The Office of the Public Counsel's Request for Local Public Hearing*, filed on July 15, 2014.

⁷ EFIS No. 31, *Notice and Order Setting Local Public Hearing*, issued on July 16, 2014.

⁸ EFIS No. 39, *Staff's Report on Local Public Hearing*, filed on August 18, 2014.

⁹ EFIS No. 40, *The Office of the Public Counsel's Request for Evidentiary Hearing*, filed on August 22, 2014.

¹⁰ EFIS No. 41, *Direct Testimony of Keri Roth*, filed on August 22, 2014.

section (24),^[11] the requirements of **due process**, and fairness to the participants in the matter and the utility's ratepayers.^[12]

That regulation requires that the Commission must suspend the tariff and begin a contested case, so the Commission will suspend the tariff and begin a contested case.

Additionally, this matter should move through the contested case proceeding within the time remaining in this rate case process as contemplated by the regulation. Contested case procedures, mandated upon suspension by statute and regulation, give all parties the right to notice that contested case procedure has begun,¹³ discovery,¹⁴ dispositive motions,¹⁵ evidentiary presentations,¹⁶ and written arguments.¹⁷ Those procedures, if they begin late in the regulation's process, may require an expedited procedural schedule and process.

Because the case was opened on December 2, 2013, the 11 month deadline is November 2, 2014. The agreement has been on file since July 7, 2014.¹⁸ The tariff has been on file since July 14, 2014.¹⁹ OPC's prepared testimony has been on file since August

¹¹ Section (24) provides:

The proposed full resolution of a small utility rate case must be finally presented to the commission no later than nine (9) months after the case is opened, regardless of how it is presented, and the commission's decision and order regarding the case shall be issued and effective no later than eleven (11) months after the case was opened.

¹² 4 CSR 240-3.050(20).

¹³ Section 536.067, RSMo 2013.

¹⁴ 4 CSR 240-2.090.

¹⁵ 4 CSR 240-3.117.

¹⁶ Section 536.070.1, RSMo 2013.

¹⁷ Section 536.080, RSMo 2000.

¹⁸ EFIS No. 28, *Company/Staff Agreement Regarding Disposition of Hickory Hills Water and Sewer Revenue Increase Request*, filed on July 7, 2014.

¹⁹ EFIS No. 29, filed on July 14, 2014.

22, 2014.²⁰ The Commission finds that it is possible and appropriate to order an expedited procedural schedule so that this matter may be heard and resolved before the deadline of November 2, 2014, as contemplated by the Commission's regulation. Therefore, the Commission will order an expedited schedule.

C. Ruling

Therefore, the Commission will reserve ruling on the agreement, grant the request for an evidentiary hearing, suspend the tariff, and establish an expedited procedural schedule as follows.

THE COMMISSION ORDERS THAT:

1. *The Office of the Public Counsel's Request for an Evidentiary Hearing* is granted.
2. The motion to suspend the tariff is granted. The tariff to which the Commission assigned Tracking No. YW-2015-0006 is suspended from September 1, 2014, until November 1, 2014. The specific tariff suspended is:

P.S.C. MO. No. 3

3. The Commission will order the following procedural schedule:

September 10, 2014	Rebuttal Testimony Filed
September 17, 2014	Surrebuttal Testimony Filed (if any)
September 29-October 2, 2014	Hearing
October 15, 2014	Simultaneous Briefs Due

The hearing will convene in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri at 9:00 a.m.

²⁰ EFIS No. 41, *Direct Testimony of Keri Roth*, filed on August 22, 2014.

4. This order shall become effective immediately on issuance.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Jordan, Senior Regulatory Law Judge