

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

In the Matter of Small Company Rate Increase of     )     Case No. WR-2011-0037  
Tri-States Utility, Inc.                                     )

**THE OFFICE OF THE PUBLIC COUNSEL'S POSITION STATEMENT  
AND NOTICE OF AGREEMENT**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Position Statement and Notice of Agreement states as follows:

1. On August 13, 2010, Tri-States Utility, Inc (Tri-States) initiated a small company rate increase proceedings with the Missouri Public Service Commission (Commission) requesting an increase in its water rates of \$620,000 (63.26%) per year.
2. On January 11, 2011, the Staff of the Missouri Public Service Commission (Staff) filed a Notice of Agreement Regarding Disposition of Small Company Rate Increase Request (Company/Staff Agreement) indicating agreement between Staff and Tri-States for a water rate increase of \$104,824 annually (approximately 11.5%). Public Counsel did not join in the agreement.
2. A revised tariff sheet reflecting the proposed rates agreed to in the Company/Staff Agreement was filed by Tri-States on January 18, 2011.
3. On March 15, 2011, a local public hearing was held to provide customers the opportunity to comment on the proposed rate increase.
4. 4 CSR 240-3.050 (19) requires Public Counsel to file, no later than ten (10) working days after the local public hearing, a pleading stating its position regarding the Company/Staff

Agreement and the related tariff revisions, or requesting that the Commission hold an evidentiary hearing, and providing the reasons for its position or request.

5. Pursuant to the requirements in 4 CSR 240-3.050 (19), Public Counsel now states that it objects to the Company/Staff Agreement and the related tariff revisions because it is Public Counsel's belief that the Company/Staff Agreement overstates the just and reasonable expenses of Tri-States.

6. However after discussions with Staff and Tri-States, Public Counsel now states that it believes that a resolution to this matter has been reached and an agreement is forthcoming, negating the need for an evidentiary hearing.

**WHEREFORE,** Public Counsel respectfully submits its Position and Notice of Agreement.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Christina L. Baker**

By:\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 25<sup>th</sup> day of March 2011:

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**/s/ Christina L. Baker**

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