



attachments related to the Disposition Agreement and Staff's investigation of the revenue increase request.

4. The Disposition Agreement reflects an agreed-upon annualized operating revenue increase for sewer in the amount of \$226,577 and an agreed-upon annualized operating revenue decrease for water in the amount of \$51,928.

5. Issues left unresolved between Staff and Emerald Pointe include: a) refunding of sewer commodity charge, b) refunding of late fees and reconnection fees, c) the amount of customer deposits for refund, and possibly d) legal fees, rate case expense, rate design, and the methodology in determining the City of Hollister sewer treatment expense item.

6. Because Staff and the Company have not reached an agreement on the remaining issues, Staff hereby requests those issues be resolved through contested case procedures, pursuant to Commission Rule 4 CSR 240-3.050(21), which states that:

If at any time after a case is opened it becomes clear to the utility or the staff that agreements cannot be reached on even a portion of the issues related to the utility's request, even through the use of mediation or arbitration, either may file a motion asking that the utility's request be resolved through contested case procedures conducted in the time remaining in the rate case process. . . .

7. Emerald Pointe is current on its annual report filings and has no other actions pending before the Commission at this time.

**WHEREFORE**, Staff submits this notice of agreement between Staff and Emerald Pointe resolving the majority of the issues in this case and requests the remaining issues be resolved through contested case procedures.

Respectfully submitted,

**/s/ Amy E. Moore**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of March, 2013.

**/s/ Amy E. Moore**