

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

In the Matter of the Small Company Rate)	
Increase Request of Hickory Hills Water &)	<u>Case No. WR-2006-0250</u>
Sewer Company, Inc.)	

MOTION FOR RECONSIDERATION
AND MOTION FOR EXPEDITED TREATMENT

COMES NOW the Office of the Public Counsel and for its Motion for Reconsideration and Motion for Expedited Treatment states as follows:

1. On April 7, 2006, the Commission issued an order in which it denied a motion by the Staff of the Commission to modify the procedural schedule to allow Staff an extra round of prefiled testimony. In that order the Commission declined to rule on Staff's request that it and Hickory Hills Water & Sewer Company, Inc. be allowed to present additional witnesses at the evidentiary hearing.

2. Because the Commission left this door open, Staff proposes to call three additional witnesses that have not previously filed testimony in this case. Hickory Hills proposes to call those three plus three more. It would violate Public Counsel's due process rights to allow any of these witnesses to present testimony. Public Counsel has had no opportunity to conduct discovery on these proposed witnesses, many of whom have no apparent connection to this case and others of whom have only been peripherally involved.

The parties all agreed upon a procedural schedule for this case and the Commission approved it. The only justification for changing it at this point is that Public Counsel did not file testimony when Staff expected it to – not that Public Counsel did anything wrong, just something Staff did not anticipate. Public Counsel complied with the agreed-upon and approved

procedural schedule, and has a right to expect that the other parties will also comply with it and not seek to modify it at the eleventh hour to gain an unfair advantage.

2. Public Counsel requests, pursuant to 4 CSR 240-2.160(2), that the Commission reconsider its April 7, 2006, order. To protect Public Counsel's due process rights and to allow Public Counsel to prepare for the hearing, the Commission, on reconsideration, should rule that no additional witnesses will be allowed.

3. Because the hearing is only a week away, Public Counsel requests expedited treatment with a ruling by the Commission as soon as possible, and no later than April 14, 2006. This pleading was filed as soon as it could have been since the Commission's order was issued only five days ago, and the proposals to call additional witnesses were filed only two days ago. The benefit that will accrue by an expedited ruling is that all parties will have certainty as to how the hearing will proceed, and will be able to prepare accordingly.

WHEREFORE, Public Counsel respectfully requests that the Commission reconsider and modify its April 7, 2006, order as expeditiously as possible.

Respectfully submitted,

OFFICE OF THE Public Counsel

/s/ Lewis R. Mills, Jr.

By: _____
Lewis R. Mills, Jr. (#35275)
Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-1304
(573) 751-5562 FAX
lewis.mills@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 12 day of April 2006:

GENERAL COUNSEL

Missouri Public Service Commission
200 Madison Street, Suite 800
PO Box 360
Jefferson City MO 65102
GenCounsel@psc.mo.gov

RANDY CLIFFORD

Hickory Hills Water & Sewer Company
PO Box 297
Tipton MO 65081

RICHARD W MOORE

Missouri Department of Natural Resources
205 Jefferson St.
Jefferson City MO 65101

BOB BERLIN

Missouri Public Service Commission
200 Madison Street, Suite 800
PO Box 360
Jefferson City MO 65102
Bob.Berlin@psc.mo.gov

KENNETH MCCUTCHEON JR

Hickory Hills Water & Sewer Company
110 N Monroe
PO Box 5
Versailles MO 65084

/s/ Lewis R. Mills, Jr.
