

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

In the Matter of Rex Deffenderfer Enterprises, Inc.,)
d/b/a RDE Water Company’s Request for Increase) Case No. WR-2016-0267
in Annual Water Operating Revenues)

**PUBLIC COUNSEL’S POSITION STATEMENT
AND REQUEST FOR WAIVER**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its *Position Statement and Request for Waiver* states:

1. On April 11, 2016, Rex Deffenderfer Enterprises, Inc., d/b/a RDE Water Company (“RDE”) initiated a small company rate increase proceeding with the Missouri Public Service Commission (“Commission”) requesting an increase in its water rates of \$60,385.56 (approximately 23.37%) per year.
2. On October 11, 2016, the Staff of the Missouri Public Service Commission (“Staff”) filed a Notice of Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request (“Company/Staff Agreement”) indicating an agreement between Staff and RDE for a water rate increase of \$20,801.00 annually (approximately 8.11%). Public Counsel did not join in the agreement.
3. Revised tariff sheets reflecting the proposed rates agreed to in the Company/Staff Agreement were filed by RDE on October 18, 2016.
4. As the Company/Staff Agreement was executed by only RDE and Staff, 4 CSR 240.3-050(15) requires Public Counsel to file a pleading stating its position regarding the Company/Staff Agreement and the related tariff revisions or requesting a local public hearing or

an evidentiary hearing no later than five (5) working days after the end of the comment period for the written customer notice contemplated in 4 CSR 240-3.050(14).

5. Public Counsel states that it did not sign the Company/Staff Agreement but will not oppose the agreement or the related tariff revisions nor will it request a local public hearing in this case.

6. As stated above, 4 CSR 240-3.050(14) requires a written notice of the proposed tariff revisions no later than five (5) working days after the utility makes its tariff filing.

7. Additionally, 4 CSR 240-3.050(22) requires a final written notice of Commission approval of any tariff revisions resulting from a small utility rate case.

8. Given that Public Counsel does not oppose the Company/Staff Agreement and does not intend to request a local public hearing, Public Counsel believes it would be burdensome to RDE and its customers to require a written customer notice as contemplated in 4 CSR 240-3.050(14) as well as a final written notice per 4 CSR 240-3.050(22) if the Commission approves the Company/Staff Agreement and the related tariff revisions. Consequently, Public Counsel requests a waiver of the written customer notice as contemplated in 4 CSR 240-3.050(14). The final written notice per 4 CSR 240-3.050(22) would still be required.

WHEREFORE, Public Counsel respectfully submits its *Position Statement and Request for Waiver*.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

/s/ Tim Opitz

Tim Opitz

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 21st day of October 2016:

/s/ Tim Opitz
