

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

In the Matter of the Application of Rate Increase)
Request for Liberty Utilities (Missouri Water), LLC)
d/b/a Liberty Utilities) **File No. WR-2018-0170**

**NOTICE OF NO OBJECTIONS TO NONUNANIMOUS STIPULATION AND
AGREEMENT, REQUEST TO MODIFY HEARING SCHEDULE,
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW, the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for this *Notice, Request and Motion* states as follows:

1. On May 24, 2018, Staff filed the *Partial Disposition Agreement* between Staff, Liberty Utilities and the Office of the Public Counsel. In that filing, Staff requested an evidentiary hearing on various remaining issues.

2. On Friday, August 3, 2018, Staff and Liberty Utilities filed a *Nonunanimous Stipulation and Agreement*. That document resolved all remaining issues between Liberty Utilities and Staff, except for the amount of rate case expense to be included in rates.

3. The parties received actual Notice of the *Nonunanimous Stipulation and Agreement* via EFIS email on Friday, August 3, 2018. See, attached.

4. Commission Regulation 4 CSR 240-2.115(2) provides, in relevant part, that:

(A) A nonunanimous stipulation and agreement is any stipulation and agreement which is entered into by fewer than all of the parties.

(B) Each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement. Failure to file a timely objection shall constitute a full waiver of that party's right to a hearing.

(C) If no party timely objects to a nonunanimous stipulation and agreement, the commission may treat the nonunanimous stipulation and agreement as a unanimous stipulation and agreement.

5. Pursuant to Commission Regulation 4 CSR 240-2.050 Computation of Time, the deadline to file an objection was 11:59:59 pm on Friday, August 10, 2018. No party has filed an objection.

6. On the date of this filing, the Office of the Public Counsel filed a response that it does not endorse nor object to the *Nonunanimous Stipulation and Agreement*. No other party has filed either an objection or non-objection to the *Nonunanimous Stipulation and Agreement*.

7. As a result, the operation of 4 CSR 240-2.115(2)(B) and 2.115(2)(C) provide that the Commission may treat the current *Nonunanimous Stipulation and Agreement* as unanimous, leaving only rate case expense for decision at hearing.

8. Therefore, Staff respectfully requests a modification to the hearing schedule set for this Thursday, August 16, that the only issue remaining for resolution before the Commission is rate case expense. Further, as customer service questions are always appropriate before the Commission, Staff further recommends that the Customer Service Issues question remain.¹ A proposed *Modified List of Issues* is attached.

9. Modification of the hearing schedule is in the public interest. Treating the August 3, *Nonunanimous Stipulation and Agreement* as unanimous will benefit customers by reducing the rate case expense by eliminating the need for expensive

¹ The procedural schedule directs the parties to file their respective Position Statements on Monday August 13, 2018. While Staff's recommends the Commission modify the hearing schedule as outlined above, Staff will file a Position Statement that covers all of the issues identified within the Issues List filing made Friday, August 10, 2018.

expert witnesses to attend the hearing. It will further reduce the amount of time needed for hearing. Finally, the participants in this matter are not pro-se or unsophisticated.

Motion for Expedited Treatment

10. Finally, Staff requests expedited treatment in response to this motion pursuant to 4 CSR 240-2.080(14). As presented above, the Commission benefits customers by treating the *Nonunanimous Stipulation and Agreement* as unanimous. Doing so reduces rate case expense, ultimately reducing customers' bills; it reduces expenses to all the parties by shortening the hearing and limiting the issues for briefing.

11. Staff respectfully requests the Commission issue a decision as to this request as soon as possible, but no later than Tuesday, August 14, 2018, as the decision on this issue will affect logistics of the parties preparing for hearing.

12. Staff filed this motion at the earliest possible time available.

WHEREFORE, Staff respectfully submits this *Notice, Request and Motion*, and respectfully requests the Commission grant Staff's request to treat the *Nonunanimous Stipulation and Agreement* as unanimous pursuant to 4 CSR 240-2.115(2)(B) and (C), and adopt the proposed Modified Issues List and resulting hearing schedule.

Respectfully submitted,

/s/ Jacob T. Westen

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and or counsel of record on this 13th day of August, 2018.

/s/ Jacob T. Westen