

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
December, 2012.

In the Matter of Request for Increase in)	
Annual Sewer Operating Revenues by)	<u>File No. SR-2012-0263</u>
R.D. Sewer Company, L.L.C.)	Tariff No. YS-2013-0112

**ORDER APPROVING UNANIMOUS DISPOSITION
AGREEMENT AND AUTHORIZING TARIFF FILING**

Issue Date: December 5, 2012

Effective Date: December 5, 2012

On January 31, 2012, R.D. Sewer Company, L.L.C. ("R.D. Sewer")¹ initiated a small company revenue increase request pursuant to Commission Rule 4 CSR 240-3.050. On August 28,² the Commission's Staff filed a Disposition Agreement executed by it and R.D. Sewer, and on September 4, R.D. Sewer filed revised tariff sheets in conformity with the agreement bearing an effective date of October 22.

The Office of the Public Counsel ("OPC") did not join in the agreement. At OPC's request, the Commission suspended the tariff sheets. Also at OPC's request, the Commission convened local public hearings on October 29 and 30.

On November 27, Staff filed a Unanimous Disposition Agreement ("Agreement") executed by it, Public Counsel and R.D. Sewer.³ The Commission finds the Agreement

¹ R.D. Sewer serves approximately 164 residential customers in its certificated service area.

² All dates refer to the year 2012 unless otherwise noted.

³ The Unanimous Agreement states that R.D. Sewer's annualized sewer system operating revenue should be increased by \$13,996.00, representing an increase of approximately 29%. Under this increase, a residential customer would experience an increase in their sewer bill of \$7.72 per month (\$26.64 currently to \$34.36 following the increase).

reasonable and shall approve it.⁴ The Commission shall reject R.D. Sewer's tariff filings, and shall authorize R.D. Sewer to file tariffs in compliance with the Agreement.

THE COMMISSION ORDERS THAT:

1. The procedural schedule is canceled.
2. The Unanimous Disposition Agreement regarding R.D. Sewer Company, L.L.C.'s request for an increase in sewer revenue, File No. SR-2012-0263, entered into by R.D. Sewer Company, L.L.C., the Staff of the Missouri Public Service Commission and the Office of the Public Counsel, and filed on November 27, 2012, is approved.
3. The signatories shall comply with the terms of the Unanimous Disposition Agreement. A copy of the Agreement is attached to this order as Appendix A.
4. The following tariff sheets filed by R.D. Sewer Company, L.L.C., and assigned Tariff File No. YW-2013-0112, with the effective date suspended until December 31, 2012, are rejected. The tariff sheets rejected are:

P.S.C. MO No. 2
Canceling P.S.C. MO No. 1

5. R.D. Sewer Company, L.L.C., is authorized to file tariffs in compliance with the Unanimous Disposition Agreement.⁵

⁴ The Commission has the legal authority to accept stipulations and agreements as offered by the parties pursuant to Section 536.060, RSMo 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

⁵ The Commission notes that R.D. Sewer filed a Substitute Tariff on November 27. However, that tariff bears an issue date of September 4 and an effective date of October 22, both of which are in the past. Should R. D. Sewer file a tariff with the proper issue and effective dates, the Commission may be able to take up the parties' request that the tariff become effective on December 14.

6. This order shall become effective immediately upon issue.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC., concur.

Pridgin, Senior Regulatory Law Judge