

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the matter of the Petition of)
Missouri-American Water Company for)
Approval to Change its Infrastructure)
System Replacement Surcharge (ISRS))

File No. WO-2013-0406
Tracking No. YW-2013-0376

ORDER SUSPENDING TARIFF, NOTICE OF CONTESTED CASE, AND ORDER DIRECTING FILINGS AND PUBLICATION OF NOTICE

Issue Date: March 4, 2013

Effective Date: March 4, 2013

The Missouri Public Service Commission is:

- Suspending the tariff that accompanies the application,
- Giving notice of a contested case, and
- Directing, and setting deadlines for, applications to intervene and other filings.

The Commission is also directing the publication of this notice and order.

A. Tariff Suspension and Notice of Contested Case

The tariff and petition, filed on February 28, 2013, seek an adjustment to the infrastructure system replacement surcharge (“ISRS”). The petition is supported by affidavit and includes an example of customer information. Upon such filing:

. . . the commission shall conduct an examination of the proposed ISRS [;¹]

decide whether the:

. . . petition complies with the requirements of sections 393.1000 to 393.1006 [;²]

¹ Section 393.1006.2(1), RSMo Supp. 2011.

and

. . . shall issue an order to become effective not later than one hundred twenty days after the petition is filed. [³]

For the Commission to carry out those duties will take longer than the tariff' proposed effective date of March 30, 2013. Therefore, the Commission will suspend the tariff for 120 days beyond the tariff's effective date.⁴

Suspension of a tariff may occur only pending a "full" hearing and decision on the tariff's propriety.⁵ Because the "hearing involv[es] a rate sought to be increased, the burden of proof to show that the . . . proposed increased rate is just and reasonable shall be upon the gas corporation seeking the increase[. ⁶]" The provision for a full pre-decision hearing signifies that this action must now be a "contested case."⁷

A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,⁸ including by stipulation and agreement.⁹ The Commission has published regulations on discovery at 4 CSR 240-2.090. This order and notice requires the parties to file responsive pleadings¹⁰ as follows.

² Section 393.1006.2(4), RSMo Supp. 2011.

³ Section 393.1006.2(3), RSMo Supp. 2011.

⁴ Section 393.150.1, RSMo 2000.

⁵ Section 393.150.1, RSMo 2000.

⁶ Section 393.150.2, RSMo 2000.

⁷ Section 536.010(4), RSMo Supp. 2011.

⁸ Section 536.060, RSMo 2000.

⁹ 4 CSR 240-2.115.

¹⁰ Section 536.067(2)(d), RSMo 2000.

B. Responsive Filings

The petition certifies compliance with the requirement to:

. . . . serve the office of the public counsel with a copy of its petition, its [tariff], and its supporting documentation. [¹¹]

The Commission's regulations provide:

[T]he office of the public counsel may, within ten (10) days of the water utility's filing, submit comments regarding these items to the commission [¹²]

Therefore, the Commission will order the filing of those comments.

The petition also certifies service on the Commission's General Counsel. The General Counsel represents the Commission's staff ("Staff").¹³ Staff's role is as follows:

The staff of the commission may examine information of the water corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1000 to 393.1006, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than sixty days after the petition is filed. No other revenue requirement or ratemaking issues shall be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1000 to 393.1006. [¹⁴]

Therefore, the Commission will order Staff to file a report as described in that statute.

The Commission will also set deadlines for any application to intervene, any response to an application to intervene, and any reply to any responsive filing.

¹¹ Section 393.1006.1(1), RSMo Supp. 2011.

¹² 4 CSR 240-3.650(9).

¹³ 4 CSR 240-2.040(1).

¹⁴ Section 393.1006.2(2), RSMo Supp. 2011.

C. Notice of this Action

The statutes also require the Commission to “publish notice of the filing [,]”¹⁵ so the Commission will order publication of this notice and order.

THE COMMISSION ORDERS THAT:

1. The tariff sheet assigned tracking number YW-2013-0376 is suspended through July 27, 2013. The specific tariff sheet suspended is:

P.S.C. MO. No. 13

2nd Revised Sheet No. RT 10 canceling 1st Revised Sheet No. RT 10

2. No later than March 11, 2013, the Office of Public Counsel shall file any comment as to any example notice or bill that accompanies the application and petition.

3. No later than March 11, 2013, any application for intervention shall be filed by delivery to:

Secretary, Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

or by entry into the Commission’s electronic filing and information system (“EFIS”).

4. No later than March 21, 2013, any response to any comment of the Office of Public Counsel shall be filed.

5. No later than March 21, 2013, any response to any application for intervention shall be filed.

6. No later than April 29, 2013, the Commission’s staff shall file a report as described in the body of this order.

¹⁵ Section 393.1015.1(2), RSMo Supp. 2011.


7. No later than May 9, 2013, any reply to the report of the Commission's staff shall be filed.

8. The Commission's Data Center shall mail a copy of this notice and order to the county commission of any counties served by petitioner and to all parties in the most recent general rate case of petitioner.

9. The Commission's Public Information Office shall make notice of this order available to the media serving the counties served by petitioner and to the members of the General Assembly representing the counties served by petitioner.

10. This order shall become effective immediately on issuance.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of March, 2013.