BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Request for an)	
Increase in Sewer Operating Revenues of)	File No. SR-2013-0016
Emerald Pointe Utility Company)	
In the Matter of the Request for an)	
Increase in Water Operating Revenues of)	File No. WR-2013-0017
Emerald Pointe Utility Company)	

MOTION FOR WAIVER AND EXTENSION

COMES NOW Emerald Pointe Utility Company (Emerald Pointe or Company), pursuant to Section 4 CSR 240-2.060(4), and, as its Motion for Waiver from provisions of Missouri Public Service Commission (Commission) Rule 4 CSR 240-3.050 and extension of the timeline, states as follows:

1. On July 16, 2012, Emerald Pointe submitted a Rate Increase Request letter for both its water and sewer systems. Later, on October 11, 2012, the Staff of the Commission, with the agreement of Emerald Pointe, submitted a motion to extend the case timeline by sixty (60) days. The Commission approved that motion, as to the extended timeline, on October 15, 2012.

2. The primary driver of the sewer portion of this case is the construction and connection of a new sewer line from the City of Hollister to Emerald Pointe and conversion of the old wastewater treatment facility to a lift station. This project concerns a significant investment on the part of the Company. While there was an attempt to time the filing of the rate request in a way to permit inclusion of the project in the Staff audit, delays in the construction changed the projected timeline. The new sewer line and lift station have now been placed in service. However, the existing timeline prescribed by Commission Rule 4 CSR 240-3.050 (to include the earlier extension) makes it difficult for the parties to address this known investment.

1

3. The parties believe that this situation can be remedied with an additional thirty

(30) day extension of the timeline. Such an extension requires a waiver because the small

company rate case rules do not contemplate an extension beyond that already granted in these

cases.

4. Commission Rule 4 CSR 240-3.050(12) states as follows:

The staff and the small utility may agree that the deadlines set out in sections (9), (10) and (11) be extended for up to two (2) months. If an extension is agreed upon, the staff shall file a written agreement regarding the extension and an updated timeline reflecting the extension in the case file.

5. Commission Rule 4 CSR 240-3.050(24) further states as follows:

The proposed full resolution of a small utility rate case must be finally presented to the commission no later than nine (9) months after the case is opened, regardless of how it is presented, and the commission's decision and order regarding the case shall be issued and effective no later than eleven (11) months after the case was opened.

6. These timing rules were promulgated by the Commission largely to protect the

small utilities. Unfortunately, in this case, the rules would work against the utility and the

implementation of rates that include consideration of a substantial investment on the part of the

utility.

7. Accordingly, Emerald Pointe believes that good cause for the requested waiver

exists and requests that the Commission: a) Grant a waiver from the identified provisions of

Commission Rule 4 CSR 240-3.050; and, b) Extend the timeline in this matter by an additional

thirty (30) days as follows:

Agreement Filing Date – February 11, 2013 to March 13, 2013

9 – Month Deadline – April 16, 2013 to May 16, 2013

11 – Month Deadline – June 16, 2013 to July 16, 2013

8. The undersigned counsel has discussed this matter with counsel for Staff and the

Office of the Public Counsel (OPC) and they have indicated that neither Staff nor OPC object to this motion.

WHEREFORE, Emerald Pointe respectfully requests that the Commission consider this

motion for waiver and, thereafter, issue such order as it shall find to be just and reasonable.

Respectfully submitted,

Q1.Com

Dean L. Cooper MBE# 36592 BRYDON, SWEARENGEN & ENGLAND P.C. 312 East Capitol Avenue P.O. Box 456 Jefferson City, MO 65102-0456 Telephone: (573) 635-7166 Facsimile: (573) 635-0427 dcooper@brydonlaw.com

ATTORNEYS FOR EMERALD POINTE UTILITY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been sent by electronic mail this 11th day of February, 2013, to:

Amy Moore Office of the General Counsel Missouri Public Service Commission Governor State Office Building Jefferson City, Missouri 65101 amy.moore@psc.mo.gov Christina Baker Office of the Public Counsel Governor State Office Building Jefferson City, Missouri 65101 christina.baker@ded.mo.gov

Al.Com