

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day
of November, 2018.

In the Matter of the Application for a Rate)	<u>File No. WR-2018-0170</u>
Increase Request for Liberty Utilities)	Tracking No. YW-2019-0089
(Missouri Water), LLC d/b/a Liberty Utilities)	Tracking No. YS-2019-0090

**ORDER APPROVING TARIFF IN COMPLIANCE
WITH COMMISSION ORDER**

Issue Date: November 28, 2018

Effective Date: December 8, 2018

The Commission issued a *Report and Order* on October 24, 2018, approving a rate increase for Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities. On November 5, Liberty filed compliance tariffs to comply with the *Report and Order*.¹ Those tariffs bore an effective date of December 5, 2018. The Commission set a deadline of November 8 for the Commission's Staff ("Staff") to file a recommendation regarding the tariffs. Staff requested, and was granted, an extension until November 15 to file a recommendation because "it has found a few instances in which Staff believes the proposed sheets need to be revised for technical reasons, or to more accurately reflect the Commission's order."² Responses to Staff's recommendation were due November 19.

¹ Tariff Nos. YS-2019-0082, YS-2019-0081, YW-2019-0080, YW-2019-0078, and YW-2019-0079.

² EFIS No. 148, November 8, 2018.

Liberty Utilities filed Tariff Nos. YW-2019-0089 and YS-2019-0090 on November 8, and withdrew tariffs filed on November 5.³ On November 15, Liberty Utilities filed substitute Tariff Nos. YW-2019-0089 and YS-2019-0090. The substitute tariffs bear an effective date of December 8, 2018, as they are a revision of the November 8 filed tariffs. On November 15, Staff filed its recommendation to approve the compliance tariff sheets as substituted November 15.⁴ Staff stated that it had reviewed the tariff filing and found it to be in compliance with the Commission's order.

On November 19, Silverleaf Resorts, Inc. and Orange Lake Country Club, Inc. ("Silverleaf") filed a response to Staff's recommendation stating that Liberty Utilities' tariffs are a contested issue and requested that the Commission suspend the tariffs and set a procedural schedule regarding, "the propriety of those rate schedules."⁵ Silverleaf alleges that the compliance tariffs should bear an effective date of December 15, 2018. Silverleaf cites no instances where the substitute compliance tariffs do not comply with the Commission's *Report and Order*. The Commission is not required to hold a hearing prior to issuing orders implementing compliance tariffs to ensure they substantively conform to the Commission's *Report and Order*.⁶

After reviewing the tariff sheets and Staff's recommendation, the Commission finds that Liberty Utilities' tariff sheets comply with the Commission's *Report and Order* and will approve them.

³ Tariff Nos. YS-2019-0082, YS-2019-0081, YW-2019-0080, YW-2019-0078, and YW-2019-0079.

⁴ EFIS No. 155, November 15, 2018.

⁵ EFIS No. 156, November 19, 2018.

⁶ *In The Matter Of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service, Appellant, and Midwest Energy Consumers' Group, Appellant, v. Missouri Public Service Commission*, 509 S.W.3d 757, 785 (Mo. App. W.D 2016).

Silverleaf argues that because Liberty Utilities filed substitute tariff sheets on November 15, the substituted tariff sheets must be given a thirty-day effective date of December 15. The question of effect of the substitution on the effective date of those tariff sheets does not need to be resolved because Section 393.140(11), RSMo, gives the Commission authority to approve the tariff sheets on less than thirty-days' notice if it finds good cause to do so. The Commission finds that good cause exists to approve the compliance tariff sheets on less than thirty-days' notice in that the Commission has found that the rates resulting from its report and order are just and reasonable, and the tariff complies with the report and order. There is no reason to further delay their effectiveness. Similarly, Section 386.490 RSMo states "Every order or decision of the commission shall of its own force take effect and become operative thirty days after the service thereof, except as otherwise provided." Again, the Commission finds good cause for the order to take effect in less than thirty days because the Commission has found that the rates resulting from its *Report and Order* are just and reasonable. However, the Commission must give this order at least a ten-day effective date.⁷ Therefore, the Commission will make this order effective on December 8, 2018.

THE COMMISSION ORDERS THAT:

1. The following substitute tariff sheets, bearing Tariff Nos. YW-2019-0089 and YS-2019-0090, filed on November 15, 2018, by Liberty Utilities are approved to become effective on December 8, 2018:

P.S.C. Mo. No. 14 cancelling **P.S.C. Mo. Nos. 1, 2, 3, 4, and 5**
Original Sheet No. 1 through Original Sheet No. 19.1; and
P.S.C. Mo. No. 15 cancelling **P.S.C. Mo. Nos. 1, 2, and 6**
Original Sheet No. 1 through Original Sheet No. 17.2

⁷ *State ex rel. Office of Public Counsel v. Pub. Serv. Comm'n*, 409 S.W.3d 522 (Mo. App. W.D. 2013).

2. This order shall become effective on December 8, 2018.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and
Coleman, CC., concur.

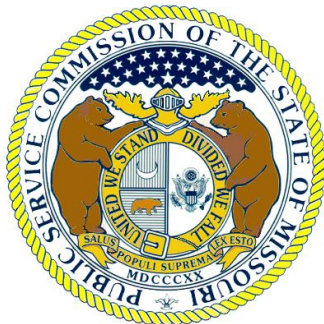
Clark, Regulatory Law Judge

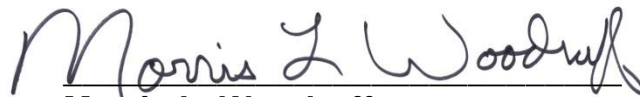
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 28th day of November 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 28, 2018

File/Case No. WR-2018-0170

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Liberty Utilities

Paul A Boudreau
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
PaulB@brydonlaw.com

Liberty Utilities

Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

**Missouri Public Service
Commission**

Mark Johnson
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
mark.johnson@psc.mo.gov

Orange Lake Country Club, Inc.

Joshua Harden
1201 Walnut St., Suite 2900
Kansas City, MO 64106
Joshua.Harden@stinson.com

**Ozark Mountain Condominium
Association, Inc.**

Sarah E Giboney
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
giboney@smithlewis.com

Silverleaf Resorts, Inc.

Joshua Harden
1201 Walnut St., Suite 2900
Kansas City, MO 64106
Joshua.Harden@stinson.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.