BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Commission's Proposed Rule 20 CSR 4240-10.185 Relating to Petitions for Water and Sewer Infrastructure Rate Adjustment))) Case No. OX-2025-0118))
)

COMMENTS OF THE OFFICE OF THE PUBLIC COUNSEL

Pursuant to the Public Service Commission ("Commission") of the State of Missouri's *Notice of Hearing and Comment Period* filed on November 25, 2024 the Office of the Public Counsel ("OPC") submits these comments.

The OPC supports the Commission's creation of a rule that defines the process of filing a Water and Sewer Infrastructure Replacement Act ("WSIRA") application and the information the utilities must produce therein. However, the OPC does have a concern that it wishes to highlight with the proposed rule, 20 CSR 4240-10.185.

The concern regards subsection (3), which states, in relevant part, "The commission shall issue an order no later than one hundred eighty (180) days from the receipt of a complete WSIRA petition." (emphases added). Meanwhile, section 393.1509.2(3) RSMo states, "The commission...shall issue an order to become effective not later than one hundred eighty days after the petition is filed." (emphases added). The OPC's concern regarding this subsection is that it allows for a scenario where the Commission order is issued (per rule) and becomes effective (per statute) on the same day 180. If this occurred, it would not permit any party to seek rehearing since

applications for rehearing must be filed before an order becomes effective. §386.500.2 RSMo Addressing this concern merely requires that the Commission add the words "to become effective" so that proposed subsection (3) states in relevant part, "The commission shall issue an order to become effective no later than…"

WHEREFORE, the OPC respectfully requests that the Commission adopt the proposed rule with the amendments suggested above.

Respectfully submitted,

/s/ Anna Kathryn Martin

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 15th day of December, 2024.

/s/	Anna Martin	