

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Small Company Rate  
Increase of Tri-States Utility Inc.

)  
)

Case No. WR-2011-0037

**REQUEST FOR LEAVE TO EXTEND THE CASE TIMELINE**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and for its *Request for Leave to Extend the Case Timeline* states as follows:

1. On August 13, 2010, the Missouri Public Service Commission ("the Commission") received a Rate Increase Request Letter ("Request Letter") from Tri-States Utility, Inc. ("Tri-States" or "Company").

2. In its Request Letter, Tri-States requested Commission approval of an increase of \$620,000 in its annual water system operating revenues pursuant to Commission Rule 4 CSR 240-3.050 (2).

3. Upon completion of its investigation of the Company's request, Staff provided Tri-States and the Office of the Public Counsel ("OPC") with materials related to Staff's investigation, as well as Staff's initial recommendations for the resolution of the revenue increase request.

4. Pursuant to negotiations held subsequent to the Company's and OPC's receipt of the above-referenced information regarding Staff's investigation of the Company's Request, Staff and Tri-States were able to reach an agreement ("Company/Staff Disposition Agreement") regarding a resolution of the Company's request. This agreement provides for an overall agreed-upon operating revenue increase of \$104,824. The agreement, among other things, also

prescribes a schedule of depreciation rates and requires the Company to implement certain agreed-upon Staff recommendations.

5. Tri-States is required to send a second customer notice on January 20, 2011, pursuant to the current case timeline filed in this case.

6. Tri-States is scheduled to send the customers' bills on January 28, 2011. In an effort to save the Company from paying approximately \$1,200 for additional postage, Tri-States would like to send the customer notice with the customer's bills on January 28, 2011 instead of a separate mailing on January 20, 2011.

7. Such an extension of the timeline would not unduly prejudice any party.

8. Staff has spoken to the Office of the Public Counsel and is unaware of any objection to postponing the mailing of the second customer notice with an amended timeline.

9. Attached as Appendix A is a proposed Case Activities Timeline, Amended January 19, 2011, that reflects the change in mailing date for the second customer notice.

**WHEREFORE**, Staff respectfully submits this *Request for Leave to Extend the Case Timeline* and the attached Appendix A for the Commission's information and consideration in this case and requests that the Commission enter an Order adopting the Case Activities Timeline, Amended January 19, 2011 in Appendix A.

Respectfully submitted,

/s/ RACHEL M. LEWIS

Rachel M. Lewis

Deputy Counsel

Missouri Bar No. 56073

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19<sup>th</sup> day of January, 2011.

**/s/ RACHEL M. LEWIS**

# Small Utility Rate Case Timeline

## MO PSC Case No. WR-2011-0037

### Amended January 19, 2011

<b>Utility Name &amp; Contact Info</b>	<b>Tri-States Utility Inc.</b>
Contact Person	Cece Garceau
Mailing Address	302 Terrace Road
	Branson MO 65616
Phone Contact (land line)	(417) 334-4189
Phone Contact (mobile)	
Fax Contact	(417) 336-6502
E-Mail Address	
<b>Date Case Opened</b>	<b>August 13, 2010</b>
<b>Agreement Filing Due Date</b>	<b>January 10, 2011</b>
<b>9-Month Deadline</b>	<b>May 13, 2011</b>
<b>11-Month Deadline</b>	<b>Juy 13, 2011</b>

Set out on the following pages is the activities timeline pertaining to the processing of the above-referenced small utility revenue increase request. This timeline assumes that the Staff's investigation of the revenue increase request will result in a conclusion that an increase in the subject utility's operating revenues is needed, that at least the Utility and Staff will reach an agreement regarding the overall resolution of the request without the need for time extensions, and that the request will be resolved without an arbitration process being used or an evidentiary hearing being held. For cases where an arbitration process is going to be used or an evidentiary hearing is going to be held, it is anticipated that a procedural schedule will be set when that becomes known. In such instances, the 9-month and 11-month deadlines will need to be considered in setting the procedural schedule.

The schedule set out in the timeline establishes the Target Due Date for the completion of certain activities needed to process the request in a timely manner. Extensions of the disposition agreement filing deadline, which is 150 days after the date the utility files its request, and certain other deadlines are allowed (and under some circumstances are required) and if executed will result in changes to the timeline. Agreements for such extensions, which are limited to a maximum of 60 days, will be reduced to writing and filed in the case file, along with an updated timeline.

The entries in the Target Day column represent the number of days from the date the utility filed its request. The entries in the Target Due Date column show the date when the Target Day hits the calendar. To determine the entries for the Calendar Due Date column, Target Due Dates falling on a weekend or a holiday are moved to the next regular working day, except that the effective dates for pending revised tariff sheets cannot be adjusted.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
0	08/13/10	N/A	Request Letter Filed and Case Opened (agreement filing due date calculated from this date)	Utility	3
5	08/18/10	08/18/10	Compliance with Section 4 of Rule Confirmed (case can be dismissed in case of non-compliance)	Case Coordinator	4
7	08/20/10	08/20/10	Case Activities Timeline Filed in Case File	Case Coordinator	5
10	08/23/10	08/23/10	Draft of Initial Customer Notice Sent to Utility & OPC	Case Coordinator	
			Letter Sent to Utility & OPC Regarding Expected Staff Activities and Identifying Participating Staff Members	Case Coordinator	
20	09/02/10	09/02/10	Requests for Information Needed for Audit Communicated to Utility by Assigned Staff (if done in writing, copies also sent to OPC)	Assigned Staff	
30	09/12/10	09/13/10	Initial Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	7
40	09/22/10	09/22/10	Responses to Requests for Information Provided to Staff by Utility (staff provides copies of information received to OPC) <b>OR</b> Extension of Agreement Filing Due Date Agreed to by Utility <b>OR</b> Staff May File Motion to Dismiss Case	Utility & Assigned Staff	4
			Copy of Initial Customer Notice Filed in Case File	Case Coordinator	7
50	10/02/10	10/04/10	Follow-Up Requests for Information Communicated to Utility by Assigned Staff (if done in writing, copies also sent to OPC)	Assigned Staff	
60	10/12/10	10/12/10	End of Response Period for Initial Customer Notice	N/A	7
70	10/22/10	10/22/10	Responses to Follow-Up Requests for Information Provided to Staff by Utility (staff provides copies of information received to the OPC) <b>OR</b> Extension of Agreement Filing Due Date Agreed to by Utility <b>OR</b> Staff May File Motion to Dismiss Case	Utility & Assigned Staff; Case Coordinator	4
75	10/27/10	10/27/10	Deadline for Completion of Construction Projects to be Included in Case <b>OR</b> Agreement Filing Due Date Extended So Projects Can be Included in Case	Utility; Case Coordinator	4
			Continued Compliance with Section 4 of Rule Confirmed (case can be dismissed in case of non-compliance)	Case Coordinator	
			Unless Notified Otherwise, or Unless Extensions Have Been Agreed Upon, Utility & OPC Can Assume the Process is On-Track for Timely Completion	Case Coordinator	

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
80	11/01/10	11/01/10	Basic Audit/Investigation Work Completed	Assigned Staff	9
85	11/06/10	11/08/10	Initial Audit/Investigation Reports Completed and Provided to Case Coordinator	Assigned Staff	
90	11/11/10	11/12/10	Overview of Staff's Initial Audit/Investigation Results Provided to the Utility & OPC	Case Coordinator	
100	11/21/10	11/22/10	Utility & OPC Submit Responses Regarding Staff's Case Overview to Case Coordinator (errors/ommissions to be identified and suggested changes to be included) <b>OR</b> Staff Assumes Information Provided is Acceptable <b>(Staff's audit considered "complete" at this time)</b>	Utility & OPC	
120	12/11/10	12/13/10	Staff's Settlement Proposal Packet Sent to Utility & OPC and Arrangements Made for Conference Call or Meeting to Discuss the Proposal	Case Coordinator	10
130	12/21/10	12/21/10	Conference Call or Meeting Held with Utility & OPC to Discuss Staff's Settlement Proposal	Utility, OPC & Staff	4
135	12/26/10	12/27/10	Utility & OPC Notify Staff of Whether They Agree with the Settlement Proposal (if not, the reasons for that and suggested changes to the settlement proposal documents are provided to the Case Coordinator)	Utility & OPC	
			Utility Must Respond <b>OR</b> Agree to Extension of Agreement Filing Due Date <b>OR</b> Staff May File Motion to Dismiss Case	Utility; Case Coordinator	
140	12/31/10	12/31/10	Agreed-Upon Changes to Settlement Proposal Documents Completed and Final Disposition Agreement Sent to Company for Signing (copy also sent to OPC; OPC may or may not sign)	Case Coordinator	4
			Continued Compliance with Section 4 of Rule Confirmed (case can be dismissed in case of non-compliance)	Case Coordinator	
145	01/05/11	01/05/11	Signed Disposition Agreement Returned to Staff	Utility; OPC (if applicable)	
			Staff Sends Revised Tariff Sheets and Draft Tariff Filing Transmittal Letter to the Utility	Case Coordinator	
150	01/10/11	01/10/11	Staff Files Executed Disposition Agreement	Case Coordinator	11

Activities needed from this point forward vary based on the approach taken by the OPC. The next three sections set out the activities needed based on the different OPC approaches that are possible.

This section pertains to the situation where the Utility, Staff & OPC reach an agreement on the overall disposition of the request, and is thus based on the fact that the Utility will not send out a second customer notice. In this situation, a minimum of 30 days is needed between the filing date and the proposed effective date of the Utility's tariff revisions. The dates shown assume that the Utility will make a 30-day tariff filing on Day 155.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
155	01/15/11	01/18/11	Utility Files Necessary Tariff Revisions	Utility	13
165	01/25/11	01/25/11	Staff Recommendation Filed if applicable <b>OR</b> ordered by the Commission. (includes confirmation of Utility's continued compliance with Section 4 of Rule <b>OR</b> motion for suspension of tariff revisions requesting correction of the deficiencies will be submitted)	Case Coordinator	
175	02/04/11	02/04/11	Order Approving Tariff Revisions Issued	Assigned RLJ	
185	02/14/11	02/14/11	Tariff Revisions Effective "On and After" this Date	N/A	13
190	02/19/11	02/21/11	Draft of Final Customer Notice Sent to Utility & OPC	Case Coordinator	
200	03/01/11	03/01/11	Final Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	22
210	03/11/11	03/11/11	Copy of Final Customer Notice Filed in Case File	Case Coordinator	22
215	03/16/11	03/16/11	Notice Closing Case Issued	Assigned RLJ	

This section pertains to the situation where only the Utility and Staff reach an agreement on the overall disposition of the request, and is thus based on the fact that the Utility will send out a second customer notice. This section is also based on the assumption that the OPC will not request a local public hearing. In this situation, a minimum of 45 days is needed between the filing date and the proposed effective date of the Utility's tariff revisions. The dates shown assume that the Utility will make a 45-day tariff filing on Day 155.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
150	01/10/11	01/10/11	Draft of Second Customer Notice Sent to Utility & OPC	Case Coordinator	
155	01/15/11	01/18/11	Utility Files Necessary Tariff Revisions	Utility	14
168	01/28/11	01/28/11	Second Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	14
178	02/07/11	02/07/11	Copy of Second Customer Notice Filed in Case File	Case Coordinator	14
188	02/17/11	02/17/11	End of Response Period for Second Customer Notice	N/A	14
195	02/24/11	02/24/11	OPC Files Its Position Statement	OPC	15
196	02/25/11	02/25/11	Staff Recommendation Filed if applicable <b>OR</b> ordered by the Commission. (includes confirmation of Utility's continued compliance with Section 4 of Rule <b>OR</b> motion for suspension of tariff revisions requesting correction of the deficiencies will be submitted)	Case Coordinator	
198	02/27/11	02/28/11	Order Approving Tariff Revisions Issued	Assigned RLJ	
208	03/09/11	03/09/11	Tariff Revisions Effective "On and After" this Date	N/A	14
213	03/14/11	03/14/11	Draft of Final Customer Notice Sent to Utility & OPC	Case Coordinator	
223	03/24/11	03/24/11	Final Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	22
233	04/03/11	04/04/11	Copy of Final Customer Notice Filed in Case File	Case Coordinator	22
238	04/08/11	04/08/11	Notice Closing Case Issued	Assigned RLJ	



This section pertains to the situation where only the Utility and Staff reach an agreement on the overall disposition of the request, and is thus based on the fact that the Utility will send out a second customer notice. This section is also based on the assumption that the OPC will request a local public hearing and that one will be held. In this situation, a minimum of 45 days is needed between the filing date and the proposed effective date of the Utility's tariff revisions. The dates shown assume that the Utility will make a 45-day tariff filing on Day 155. The dates also assume that the tariff revisions will be suspended for 45 days past the proposed effective date, and that the local public hearing will be held 30 days before the end of the suspension period.

Target Day	Target Due Date	Calendar Due Date	Case Activity	Responsible "Party"	Rule Section
150	01/10/11	01/10/11	Draft of Second Customer Notice Sent to Utility & OPC	Case Coordinator	
155	01/15/11	01/18/11	Utility Files Necessary Tariff Revisions	Utility	14
168	01/28/11	01/28/11	Second Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	14
178	02/07/11	02/07/11	Copy of Second Customer Notice Filed in Case File	Case Coordinator	14
188	02/17/11	02/17/11	End of Response Period for Second Customer Notice	N/A	
195	02/24/11	02/24/11	OPC Files Request for Local Public Hearing	OPC	15
198	02/27/11	02/28/11	Order Setting Local Public Hearing and Suspending Tariff Revisions Issued	Assigned RLJ	
203	03/04/11	03/04/11	Draft of LPH Customer Notice Sent to Utility & OPC	Case Coordinator	
208	03/09/11	03/09/11	Notice of Local Public Hearing Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	18
218	03/19/11	03/21/11	Copy of LPH Customer Notice Filed in Case File	Case Coordinator	18
223	03/24/11	03/24/11	Local Public Hearing Held	Assigned RLJ	
230	03/31/11	03/31/11	Staff Files Notice re: Possible Changes to the Disposition Agreement Based on Info Provided at the Local Public Hearing (includes motion to suspend tariff revisions if needed) <b>5 WORKING DAYS</b>	Case Coordinator	19
237	04/07/11	04/07/11	OPC Files Its Position Statement** <b>10 WORKING DAYS</b>	OPC	19
238	04/08/11	04/08/11	Staff Recommendation Filed if applicable <b>OR</b> ordered by the Commission. (includes confirmation of Utility's continued compliance with Section 4 of Rule <b>OR</b> motion for suspension of tariff revisions requesting correction of the deficiencies will be submitted)	Case Coordinator	
243	04/13/11	04/13/11	Order Approving Tariff Revisions Issued	Assigned RLJ	
253	04/23/11	04/25/11	Tariff Revisions Effective "On and After" this Date	N/A	14
258	04/28/11	04/28/11	Draft of Final Customer Notice Sent to Utility & OPC	Case Coordinator	
268	05/08/11	05/10/11	Final Customer Notice Mailed to Customers (copy sent to Case Coordinator for filing in case file)	Utility	22
278	05/18/11	05/18/11	Copy of Final Customer Notice Filed in Case File	Case Coordinator	22
283	05/23/11	05/23/11	Notice Closing Case Issued	Assigned RLJ	