

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

In the Matter of Lake Region Water and Sewer	)	
Company's Application to Implement a General	)	Case No. SR-2013-0459
Increase in Water and Sewer Service	)	

In the Matter of Lake Region Water and Sewer	)	
Company's Application to Implement a General	)	Case No. WR-2013-0461
Increase in Water and Sewer Service	)	

**LAKE REGION WATER & SEWER COMPANY'S  
OBJECTIONS TO HEARING EXHIBITS**

Comes now Lake Region Water & Sewer Company ("Lake Region"), by and through counsel, and submits these objections to the hearing exhibits<sup>1</sup> listed below. Leave to late file these objections was requested by counsel, and granted by the Commission, during hearing of this matter on February 18, 2014:

1. **Staff Exhibit 2** --- Staff Accounting Schedules: Horseshoe Bend Sewer, Shawnee Bend Sewer, Shawnee Bend Water

Lake Region objects to the figures, entries or other calculations entered in the following schedules or excerpts thereof, and to their use in any analysis made by Staff:

*Shawnee Bend Sewer*

Shawnee Bend Sewer  
Rate Design Schedule- Sewer  
**Schedule 01**, Page 1 of 2  
Page 2 of 2

Rev-3 Miscellaneous Revenues  
Line 56

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<sup>1</sup> The schedules, entries and line numbers cited herein are found in the numbered exhibits admitted over objection at hearing. The parties are anticipating the filing of "corrected" accounting schedules in this matter and to the extent schedules, entries or line numbers may change in the corrected schedules from what is cited here, Lake Region reserves the right to correct its objections.

Shawnee Bend Sewer  
Revenue Schedule – Sewer  
**Schedule 08**, Page 1 of 1

Rev-3 Miscellaneous Revenues

Shawnee Bend Sewer  
Revenue Schedule – Sewer  
**Schedule 08-1**, Page 1 of 1

Rev-3 Miscellaneous Revenues

Shawnee Bend Sewer  
Miscellaneous Revenues Feeder- Sewer  
**Schedule 08-3**, Page 1 of 1

Line Number 2

*Shawnee Bend Water*

Shawnee Bend Water  
Rate Design Schedule- Water  
**Schedule 01**, Page 1 of 2  
Page 2 of 2

Rev-3 Miscellaneous Revenues  
Line 55

Shawnee Bend Water  
Revenue Schedule – Water  
**Schedule 08**, Page 1 of 1

Rev-3 Miscellaneous Revenues

Shawnee Bend Water  
Revenue Schedule – Water  
**Schedule 08-1**, Page 1 of 1

Rev-3 Miscellaneous Revenues

Shawnee Bend Water  
Miscellaneous Revenues Feeder- Water  
**Schedule 08-3**, Page 1 of 1

Line Number 5

**Objection:** The entries above purport to calculate an amount of availability fees attributable to Lake Region's Shawnee Bend Sewer and Shawnee Bend Water operations. The creation, collection, or enforcement of availability fees authorized in deed restrictions on properties located within Lake Region's service territory are not subjects relevant or material to any issues in this matter. A developer's charge and collection of an availability fee for water and sewer system infrastructure, or the developer's sale or assignment of those fees or part of

those fees, are issues beyond the regulatory jurisdiction of the Commission. Furthermore, by Commission order in Case Nos. SR-2010-0110 and WR-2010-0111, a definitive and duly promulgated rule on the treatment of availability fees is a prerequisite to Commission consideration of the issue. No such rule has been promulgated or adopted. Lake Region additionally asserts and incorporates by reference herein the grounds for objection set forth in its previously filed *Motion to Strike Portions of the Written Testimony of Staff Witness Kim Bolin and Sections of Staff's Revenue Requirement and Cost of Service Report*; *Motion to Strike Portions of the Written Testimony of Ted Robertson, Witness for the Office of Public Counsel*; and *Motion in Limine*, and suggestions supporting those motions.

2. **Staff Exhibit 4** --- Staff Rate Design Report

Lake Region objects to the figures, entries or other calculations entered in the following schedules or excerpts thereof, and to their use in any analysis made by Staff:

Schedule 2	Other Operating Revenues Availability Fee Revenue
Schedule 4	Other Operating Revenues Availability Fee Revenue
Schedule 7 SB	Other Operating Revenues Availability Fee Revenue
Schedule 9 SB	Other Operating Revenues Availability Fee Revenue

**Objection:** The entries above purport to calculate an amount of availability fees attributable to Lake Region's Shawnee Bend Sewer and/or Shawnee Bend Water operations. The creation, collection, or enforcement of availability fees authorized in deed restrictions on properties located with Lake Region's service territory are not subjects relevant or material to any issues in this matter. A developer's charge and collection of an availability fee for water

and sewer system infrastructure, or the developer's sale or assignment of those fees or part of those fees, are issues beyond the regulatory jurisdiction of the Commission. Furthermore, by Commission order in Case Nos. SR-2010-0110 and WR-2010-0111, a definitive and duly promulgated rule on the treatment of availability fees is a prerequisite to Commission consideration of the issue. No such rule has been promulgated or adopted. Lake Region additionally asserts and incorporates by reference herein the grounds for objection set forth in its previously filed *Motion to Strike Portions of the Written Testimony of Staff Witness Kim Bolin and Sections of Staff's Revenue Requirement and Cost of Service Report*; *Motion to Strike Portions of the Written Testimony of Ted Robertson, Witness for the Office of Public Counsel*; and *Motion in Limine*, and suggestions supporting those motions.

3. Lake Region requests that the Commission sustain its objections and strike the matter objected to from the exhibits and from the record in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

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Attorneys for Lake Region Water & Sewer Co.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via email, on this 6<sup>th</sup> day of March, 2014, to Amy Moore at [Amy.Moore@psc.mo.gov](mailto:Amy.Moore@psc.mo.gov); General Counsel's Office at [staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov); Christina Baker at [christina.baker@ded.mo.gov](mailto:christina.baker@ded.mo.gov); and Office of Public Counsel at [opc@ded.mo.gov](mailto:opc@ded.mo.gov).

**/s/ Mark W. Comley**