

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

In the Matter of the Application of)	
TBJ Sewer Systems, Inc., Request for an)	<u>Case No. SR-2011-0182</u>
Increase in Annual Sewer Operating Revenues)	

STAFF’S RESPONSE TO THE OFFICE OF PUBLIC COUNSEL’S POSITION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and for its *Response to the Office of the Public Counsel’s* (“Public Counsel”) *Position* states as follows:

1. On December 27, 2010, the Missouri Public Service Commission (“the Commission”) received a Rate Increase Request Letter (“Request Letter”) from TBJ Sewer Systems, Inc. (“TBJ” or “the Company”).

2. On July 14, 2011, Staff filed its *Notice of Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request* (“*Disposition Agreement*”).

3. On August 18, 2011, Public Counsel filed its *Position Statement* wherein it informs the Commission that Public Counsel will not object to the *Disposition Agreement*.

4. Public Counsel, however, alleges that Staff “indiscriminately discarded” an agreement from the Company’s previous certification case, Case No. SA-2003-0189, wherein the Company sought to obtain a Certificate of Convenience and Necessity (CCN) for two additional service areas known as Oak Hollow Subdivision and Bourbeuse River Area, though of no consequence to the outcome of the current rate case since none of the Parties involved are objecting or fighting the *Disposition Agreement*.

5. In the present case, Staff conducted an investigation, which included discussions with the Company and Public Counsel, a careful review of the Agreement reached

in Case No. SA-2003-0189 and a thorough review of the Company's books and records. Staff maintains that the proposed rates resulting from the *Disposition Agreement* are just and reasonable to ensure that safe and adequate utility service is provided to the customers. Furthermore, Staff's position in this rate increase request is consistent with its actions in the prior certificate case, therefore Public Counsel's allegations are unwarranted.

WHEREFORE, Staff respectfully submits this *Response* for the Commission's information and consideration and respectfully requests that the Commission enter an Order adopting the terms included and incorporated in the Company/Staff Disposition Agreement filed on August 18, 2011.

Respectfully submitted,

/S/ RACHEL M. LEWIS

Rachel M. Lewis
Deputy Counsel
Missouri Bar No. 56073

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526.6715 (Telephone)
(573) 751-9285 (Fax)
rachel.lewis@psc.mo.gov

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 23rd day of August, 2011.

/S/ RACHEL M. LEWIS