

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of	)	
Peaceful Valley Service Company's Request	)	<b><u>File No. SR-2014-0153</u></b>
For Increase in Sewer Operating Revenues	)	Tracking No. YS-2014-0425
In the Matter of the Application of	)	
Peaceful Valley Service Company's Request	)	<b><u>File No. WR-2014-0154</u></b>
For Increase in Water Operating Revenues	)	Tracking No. YW-2014-0426

## **NOTICE AND ORDER SETTING HEARING**

Issue Date: September 11, 2014

Effective Date: September 11, 2014

On November 20, 2013, Peaceful Valley Service Company ("Company") submitted a written request to the Commission for an increase in water and sewer revenue. On April 24, 2014, Company filed with the Commission revised tariff sheets with a June 15, 2014 effective date. The Staff of the Missouri Public Service Commission and Company filed a disposition agreement, for which the Office of Public Counsel did not request an evidentiary hearing. Directing the Commission to set just and reasonable rates, Commission Rule 4 CSR 240-3.050(25) states the Commission may approve, reject or alter a disposition agreement.

As directed by the Commission, the Staff of the Missouri Public Service Commission filed a report on Company's plans for compliance with guidelines set by the Missouri Department of Natural Resources ("DNR"). As part of its review of the tariffs submitted by Company and the disposition agreement, the Commission seeks additional information on the compliance plan that are not addressed in the disposition agreement. Therefore, the Commission will set an evidentiary hearing.

The Commission requests Mr. August B. Hoernschmeyer appear at the scheduled hearing to provide testimony, including on the following topics: the Company's planned change of corporate status; discussions with DNR on scheduled improvements; financing options considered by the Company for DNR improvements; the disposition agreement; and Staff's August 15, 2014 memorandum. All parties may present evidence at hearing, and are not limited to the subjects previously identified.

Commission Rule 4 CSR 240-2.040(5) prohibits practice before the Commission by nonattorneys when representing other persons or entities. The "practice of law" is defined under Section 484.010, RSMo 2000, as the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending before a commission.

Company does not have an attorney of record in these matters.<sup>1</sup> The Commission hereby provides notice to the Company that should it wish to perform any activities considered to be the practice of law – such as cross-examining witnesses, objecting to testimony, or making opening statements – it must be represented by an attorney.

#### **THE COMMISSION ORDERS THAT:**

1. An evidentiary hearing will be held at 10:30 a.m. on September 23, 2014, at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, Room 310. This building meets accessibility standards required

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<sup>1</sup> See *Reed v. Labor and Indus. Relations Com'n*, 789 S.W.2d 19 at 21 (Mo. banc 1990). A corporation is an artificial entity that cannot appear or act in person. It must act through agents and in legal matters, through licensed attorneys.

by the Americans with Disabilities Act. If additional accommodations are needed to participate in this pre-hearing conference, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

2. Parties need not submit pre-filed testimony.

3. Should Mr. August B Hoernschmeyer be unable to appear on the scheduled hearing date, he shall inform Regulatory Law Judge Kim Burton and the attorneys for the parties. To ensure that Hr. Hoernschmeyer is reimbursed for his travel expense to attend the hearing, a subpoena will be issued.

4. Parties shall submit a list of their known witnesses no later than September 19, 2014. The list of witnesses may be amended at any time up to and including the hearing.

5. This order is effective upon issuance.

**BY THE COMMISSION**



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Kim S. Burton, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 11<sup>th</sup> day of September, 2014.