

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 22nd day of
December, 2014.

In the Matter of Central Rivers Wastewater)	
Utility, Inc.'s Small Company Rate Increase)	<u>Case No. SR-2014-0247</u>
Request.)	

ORDER DENYING REQUEST FOR DETERMINATION

Issued Date: December 22, 2014

Effective Date: December 22, 2014

On December 16, 2014, Central Rivers Wastewater Utility, Inc. ("Central Rivers"), the Staff the Commission ("Staff"), and the Office of the Public Counsel ("OPC") (jointly, "Parties") jointly filed a list of issues to be presented at the December 29 and 30, 2014, evidentiary hearing in this matter. The Parties also filed separate position statements. Two of the seven issues the Parties identified involve Central Rivers' overcharges for STEP installations and the refunding of customer deposits. In their position statements, both Central Rivers and Staff agree that absent Central Rivers' consent, these customer refund issues should be addressed in a separate complaint case. OPC argues that the Commission has the authority to address these two issues in the rate case hearing and to order a refund in any approved tariff.

On December 18, 2014, the Parties filed a *Joint Request for Pre-Hearing Determination*. The Parties believe it is not in the best interest for Central Rivers, the customers, or the Commission to expend time and money in order to argue the two issues at the evidentiary hearing in this case if the Commission determines a complaint case is the appropriate recourse. The Parties are seeking a determination as to whether the

“Previous STEP Installation issue and the Customer Deposit issue will ultimately be decided by the Commission in this case.”

The Parties’ filing is asking the Commission to determine in advance if it will decide the Previous STEP Installation and Customer Deposit issues in this matter or in a separate complaint case. While the Commission may not be able to order penalties or a refund, it can make a determination about the proper collection of Customer Deposits and STEP Installation fees. If the Commission were to say that those issues are better suited for a complaint case and should be excluded, the Commission may inadvertently limit the evidence presented on justiciable issues - such as quality of service and reasonable rates.

In this unique circumstance, the Commission finds allowing the Parties to present their evidence and make their objections at hearing to be the appropriate action. It should be noted that the Commission is not stating that it will make an ultimate determination on the issues of Previous STEP Installations and Customer Deposits in this matter.

THE COMMISSION ORDERS THAT:

1. The Parties’ *Joint Request for Pre-Hearing Determination* is denied.
2. This order shall be effective when issued.

BY THE COMMISSION



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

Morris L. Woodruff
Secretary

Stoll, W. Kenney, and Rupp, CC., concur;
W. Kenney, Chm., and Hall, C., dissent.

Burton, Regulatory Law Judge.