

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Central Rivers Wastewater)
Utility, Inc.'s Small Company Rate Increase)
Request)

Case No. SR-2014-0247

ORDER DIRECTING FILING

Issue Date: October 8, 2014

Effective Date: October 8, 2014

On March 11, 2014, Central Rivers Wastewater Utility, Inc. ("Company") filed a request with the Missouri Public Service Commission ("Commission") seeking approval of an increase in its annual sewer system operating revenues pursuant to Commission Rule 4 CSR 240-3.050. On October 7, 2014, Staff filed a Notice of Company/Staff Agreement Regarding Partial Disposition of Small Company Rate Increase Request ("Agreement"). The Agreement states a number of provisions to which Staff and the Company agree, but also states that four remaining issues require resolution by evidentiary hearing and "request that these items be addressed through the contested case process provided for in Commission Rule 4 CSR 240-3.050(21)", which provides that:

If at any time after a case is opened it becomes clear to the utility or the staff that agreements cannot be reached on even a portion of the issues related to the utility's request, even through the use of mediation or arbitration, either may file a motion asking that the utility's request be resolved through contested case procedures conducted in the time remaining in the rate case process consistent with the requirements of section (24), the requirements of due process, and fairness to the participants in the matter and the utility's ratepayers. (emphasis added)

While Staff and the Company invoke section 21 of the rule, it is not clear that this section is applicable because these parties have already reached an agreement to resolve many of the issues in the case. Subsection 21 contemplates a situation where none of the issues have been resolved, even through the use of mediation or arbitration.

Commission Rule 4 CSR 240-3.050(16) does state a procedure to be followed “[i]f the disposition agreement filed by the staff provides for only a partial resolution of the utility’s request and for the use of an arbitration process to resolve specified issues . . .” (emphasis added). In this case, the Agreement does partially resolve the Company’s request, but it does not also indicate that arbitration is requested to resolve the remaining disputed issues. So, the procedures in section 16 also do not seem to apply to the Agreement.

It is unclear from the Agreement what procedures the parties wish to pursue at this stage in the proceedings. The Commission will direct Staff and the Office of the Public Counsel to respond and explain how the Agreement complies with Commission Rule 4 CSR 240-3.050 and what procedures should be implemented to resolve the remaining disputed issues.

THE COMMISSION ORDERS THAT:

1. No later than October 15, 2014, the Commission’s Staff and the Office of the Public Counsel shall respond to the matters raised in the body of this order.
2. This order shall become effective when issued.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Michael Bushmann, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of October, 2014.