

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

In the Matter of M.P.B., Inc.'s Request)
For Increase in Annual Sewer System)
Operating Revenues)

File No. SR-2014-0067
Tariff No. YS-2014-0410

MOTION FOR ORDER NUNC PRO TUNC

COMES NOW the Staff of the Missouri Public Service Commission, by and through undersigned counsel, and hereby respectfully moves the Commission, pursuant to Rule 74.06(a) corollary 4 CSR 240-2.080(4) and 2.160(4), to correct a clerical omission, nunc pro tunc in the *Order Approving Disposition Agreement and Tariff* ("Order") issued by the Commission on October 22, 2014. In support of this motion, Staff states as follows:

1. The Order approves the Updated Agreement and Supplemental Updated Agreement between Staff and M.P.B., Inc., and the company's proposed tariff.

2. During the pendency of the case, and in Attachment J to Appendix A, Staff identified to the Commission that M.P.B., Inc.'s payments for the 2012, 2013, and 2014 annual assessments were delinquent. Staff's cover pleading later incorrectly identified the amounts as not delinquent.

3. The Order states "The Commission finds the Updated Agreement and the Supplemental Updated Agreement and its corresponding revised tariff sheets reasonable and shall approve them."

4. The Commission then orders in paragraph 1 that "[t]he Updated Agreement filed on September 5, 2014, and the Supplemental Updated Agreement filed

on September 25, 2014, regarding M.P.B., Inc.'s request for an increase in sewer revenue are approved.

5. The Order is silent as to the delinquent assessment payments.

6. Because the Order is silent, and because there is no filing or motion from M.P.B., Inc. in the record requesting a waiver of the assessments, Staff contends the Order mistakenly omits that approval of the Updated Agreement and the Supplemental Updated Agreement does not act to waive any unpaid assessment amounts.

7. Therefore, Staff moves the Commission to issue an Order *Nunc Pro Tunc*, and that the preceding language in paragraph 1 be stricken and replaced with: "The Commission finds the Updated Agreement and Supplemental Updated Agreement and its corresponding revised tariff sheets reasonable. The Commission's approval of the Agreements and corresponding revised tariff does not waive any assessment amounts due and owing of M.P.B., Inc. to the Commission."

8. An affidavit in support of this Motion showing the referenced assessments remain delinquent is attached hereto.

WHEREFORE, Staff submits this *Motion for Order Nunc Pro Tunc* and respectfully requests that the above mentioned clerical errors be corrected.

Respectfully submitted,

/s/ Marcella L Forck

Assistant Staff Counsel

Missouri Bar No. 66098

Attorney for the Staff of the

Missouri Public Service Commission

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 9th day of August, 2016.

/s/ Marcella L. Forck

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AFFIDAVIT OF HELEN DAVIS

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

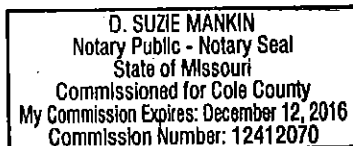
COMES NOW Helen Davis, and on her oath, declares that she is of sound mind and lawful age; that she calculated and tracked the relevant assessment information, including the attached spreadsheet; and that the same is true and correct according to her best knowledge and belief.

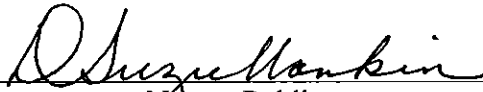
Further the Affiant sayeth not.



Helen Davis

Subscribed and sworn to before me this 9th day of August, 2016.





Notary Public