

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service)
Commission,)

Complainant,)

v.)

Suburban Water and Sewer Co. and)
Gordon Burnam,)

Respondents.)

Case No. WC-2007-0452 et al.

ORDER GRANTING REQUEST FOR LOCAL PUBLIC HEARING AND
SCHEDULING HEARINGS

Issue Date: July 10, 2007

Effective Date: July 10, 2007

On May 21, 2007,¹ the Office of the Public Counsel (“OPC”) filed its Application to Open a Case for Investigation and Request for Local Public Hearing, which was assigned Case No. WO-2007-0444. In this pleading, OPC asked the Commission to open a case in order to facilitate an investigation of Suburban Water and Sewer Company (“Suburban”) “to ensure that [its] customers are not deprived of safe and adequate [water] service.” OPC also requested that the Commission promptly schedule a local public hearing in the Columbia, Missouri area after giving sufficient notice so the Commission could “gather information regarding customers’ concerns and preferences” for resolving the matter.

Shortly over a week later, on May 29, the Staff of the Commission filed an eleven-count complaint against Suburban and its sole shareholder and president, Gordon Burnam

¹ All dates specified in this order refer to the calendar year 2007.

(referred to collectively as “Respondents”), which was assigned Case No. WC-2007-0452. The complaint sought a Commission order finding that Respondents had violated the terms of ten of the sixteen items contained in a disposition agreement with Staff and OPC which was approved by the Commission and executed by Mr. Burnam as President on behalf of Suburban in 2005 and authorizing its General Counsel to seek penalties for the alleged violations in circuit court pursuant to Sections 386.570 and 386.580, RSMo 2000. The complaint also included Staff’s Motion for Expedited Treatment, in which Staff requested priority treatment and consideration of its complaint in Case No. WC-2007-0452 under Commission Rule 4 CSR 240-2.080(16). In particular, Staff asked that the Commission hold an evidentiary hearing by no later than July 20, and that it issue its decision by no later than August 20.

By order dated June 5, the Commission consolidated Case Nos. WC-2007-0452 and WO-2007-0444 pursuant to Commission Rules 4 CSR 240-2.110(3) and 4 CSR 240-2.070(12). Staff’s objection to the consolidation order was overruled on June 26, and on June 28, the Commission granted Staff’s Motion for Expedited Treatment.

On June 6, OPC filed a pleading requesting that the Commission promptly schedule and conduct a local public hearing in Columbia on an expedited basis after notice is given to Suburban’s customers “so as to not delay Staff’s request that the Commission hold a hearing in this matter no later than July 20, 2007 and that it issue its decision no later than August 20, 2007.” As Staff’s Motion for Expedited Treatment has now been granted, it is now appropriate to schedule an expedited evidentiary hearing on Staff’s complaint against Respondents.

Likewise, as all objections to such a hearing have now been overruled, the Commission will also grant OPC's request for a local public hearing and schedule it on an expedited basis to give the public an opportunity to comment. At the local public hearing, the Staff of the Commission will hold an informal question-and-answer session beginning one-half hour before the scheduled start time. The local public hearing will begin at 6:00 p.m. and will conclude at 9:00 p.m., or when every person who wishes to testify has done so, whichever is sooner. The Commission will direct its Public Information Officer to provide notice of the local public hearing to Suburban's customers via any reasonable and appropriate means, including but not limited to placing advertisements in the newspapers serving Suburban's service area.

IT IS ORDERED THAT:

1. The parties shall appear at an evidentiary hearing on the merits of Staff's complaint against Suburban Water and Sewer Company and Gordon Burnam to be held on Thursday, July 26, 2007, beginning at 8:00 a.m. The hearing will be held in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, which meets accessibility standards required by the Americans with Disabilities Act. Any party needing additional accommodations to participate in the hearing in person should call the Missouri Public Service Commission's Hotline at 800-392-4211. If necessary, the evidentiary hearing will be extended to Friday, July 27, 2007, beginning at 8:00 a.m. in Room 305.

2. The parties may also participate in the evidentiary hearing by telephone. Any party who wishes to participate by telephone shall notify the Regulatory Law Judge assigned to this case by calling 573-751-7485 no later than July 19, 2007. Any party needing additional accommodations to participate in the hearing by this method should call

the Missouri Public Service Commission's Hotline at 800-392-4211 or dial Relay Missouri at 711 at least 48 hours in advance of the hearing.

3. Because the evidentiary hearing is being conducted on an expedited basis, there will not be enough time to allow for the submission of prefiled testimony, and all testimony shall be presented live at the hearing. Likewise, post-hearing briefs will not be permitted. Rather, the parties are directed to present oral arguments at the conclusion of the evidentiary hearing.

4. The Commission shall hold a local public hearing on Monday, July 23, 2007, from 6:00 p.m. until 9:00 p.m., or until all persons who wish to testify have done so, whichever is sooner, in Room 130 of the LeMone Building, 3215B LeMone Industrial Blvd., Columbia, Missouri, which meets accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in the local public hearing should call the Missouri Public Service Commission's Hotline at 800-392-4211 or dial Relay Missouri at 711 at least 48 hours in advance of the hearing. The Staff of the Commission shall be available one-half hour before the start of the local public hearing to answer questions from the public, and a video-conference link shall be established with the Commission's offices in Jefferson City.

5. The Commission's Public Information Officer shall send a copy of this order to members of the General Assembly and to the media that serve Suburban Water and Sewer Company's service area. The Public Information Officer shall also provide notice of the local public hearing to the company's customers via any reasonable and appropriate means, including but not limited to placing advertisements in the newspapers serving Suburban Water and Sewer Company's service area.

6. This order shall become effective on July 10, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of July, 2007.