

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2007-0452</u>
)	
Suburban Water and Sewer Co. and)	
Gordon Burnam,)	
)	
Respondents.)	
In the Matter of the Office of the Public)	
Counsel's Application to Open a Case)	
for Investigation of Suburban Water and)	<u>Case No. WO-2007-0444</u>
Sewer Company and Request for)	
Local Public Hearing)	

ORDER CONSOLIDATING CASES

Issue Date: June 5, 2007

Effective Date: June 5, 2007

This order consolidates two pending cases pertaining to Suburban Water and Sewer Company ("Suburban") which involve related questions of law and fact and would best be adjudicated together, rather than separately.

In its eleven-count complaint, which was filed on May 29, 2007 and has been assigned Case No. WC-2007-0452, the Staff of the Missouri Public Service Commission ("Staff") seeks a Commission order finding that Suburban and its sole shareholder and president, Gordon Burnam (referred to collectively as "Respondents"), have violated the

terms of ten of the sixteen items contained in a disposition agreement with Staff and the Office of the Public Counsel (“OPC”) which was approved by the Commission and executed by Mr. Burnam as President on behalf of Suburban in 2005. Staff also seeks an order of the Commission finding that Respondents have failed to file the company’s 2006 annual report as required by Commission Rule 4 CSR 240-3.640, and further requests that the Commission authorize its General Counsel to seek penalties for all these alleged violations in circuit court pursuant to Sections 386.570 and 386.580, RSMo 2000.

The same pleading also contains Staff’s Motion for Expedited Treatment, in which Staff requests 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 asks that the Commission hold an evidentiary hearing by no later than July 20, 2007, and that it issue its decision by no later than August 20, 2007. In support of its motion, which is currently pending,¹ Staff has alleged several probative facts, including, *inter alia*, that Suburban “has stated an intention to wind up its affairs and has sent notice to its customers that it intends to cease operations as of July 1, 2007,” that granting expedited treatment “will avoid harm to Suburban’s customers by ensuring continuation of water service,” and that it has not heard from Suburban since May 22, 2007.

On May 21, 2007, 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 “to ensure that [its] customers are not deprived of safe and adequate [water]

¹ By order dated June 4, 2007, the Commission required any party who wishes to oppose Staff’s Motion for Expedited Treatment in Case No. WC-2007-0452 to do so by filing an appropriate pleading no later than June 11, 2007.

service,” inasmuch as the customers had “received a letter stating that on or about July 1, 2007 water service would end because Suburban was going out of business.” 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.

Commission Rule 4 CSR 240-2.110(3) states that “[w]hen pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all of the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.” Likewise, Commission Rule 4 CSR 240-2.070(12) permits all matters upon which a complaint may be founded to be joined in a single hearing.

As demonstrated by the summary provided above, Case Nos. WC-2007-0452 and WO-2007-0444 clearly involve related questions of both law *and* fact. Moreover, the Commission finds that consolidating them would conserve scarce investigative and administrative resources, avoid unnecessary delay in adjudication, and promote uniformity and efficiency without impairing the substantive or procedural rights of any party. Accordingly, the two cases will be consolidated.

IT IS ORDERED THAT:

1. Case No. WO-2007-0444 is hereby consolidated with Case No. WC-2007-0452 for all adjudicative purposes, including investigation, hearing, and disposition. Case No. WC-2007-0452 will be the lead case and the style shall be “The Staff of the Missouri Public Service Commission, Complainant, v. Suburban Water and Sewer Co. and Gordon Burnam, Respondents.”

2. This order shall become effective on June 5, 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 5th day of June, 2007.