

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

|   |   |                                     |
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| In the matter of Aqua Missouri, Inc.'s Request for an | ) |                                     |
| Increase in Rates for Water Service Pursuant to the   | ) | <b><u>Case No. WR-2008-0266</u></b> |
| Commission's Small Company Rate Increase              | ) |                                     |
| Procedure.  | ) |                                     |

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| In the Matter of Aqua Missouri, Inc.'s Request for an | ) |                                     |
| Increase in Rates for Sewer Service Pursuant to the   | ) | <b><u>Case No. SR-2008-0267</u></b> |
| Commission's Small Company Rate Increase              | ) |                                     |
| Procedure.  | ) |                                     |

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|---|---|-------------------------------------|
| In the Matter of Aqua Missouri, Inc.'s Request for an | ) |                                     |
| Increase in Rates for Sewer Service Pursuant to the   | ) | <b><u>Case No. SR-2008-0268</u></b> |
| Commission's Small Company Rate Increase              | ) |                                     |
| Procedure.  | ) |                                     |

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|---|---|-------------------------------------|
| In the Matter of Aqua Missouri, Inc.'s Request for an | ) |                                     |
| Increase in Rates for Water Service Pursuant to the   | ) | <b><u>Case No. WR-2008-0269</u></b> |
| Commission's Small Company Rate Increase              | ) |                                     |
| Procedure.  | ) |                                     |

**ORDER SETTING PROCEDURES, ORDER**  
**DIRECTING FILING, NOTICE OF COMMUNICATION,**  
**AND NOTICE OF LOCAL PUBLIC HEARING DATE**

Issue Date: July 21, 2008

Effective Date: July 21, 2008

This case began on December 7, 2007, when Aqua Missouri, Inc., submitted a letter to the Staff of the Missouri Public Service Commission requesting to initiate a small company rate case procedure. At that time, the company submitted the case following the procedures set out in 4 CSR 240-3.330 and 4 CSR 240-3.635. On February 19, 2008, the Commission determined that a formal case file should be opened for the purpose of holding

local public hearings and receiving public comments on the potential rate increases. Six local public comment hearings were held between May 13, 2008, and June 9, 2008.

On May 30, 2008, the Commission's new small company rate case procedure regulation, 4 CSR 240-3.050, became effective. On July 3, 2008, disposition agreements and proposed tariffs were filed. The tariffs bear an effective date of August 18, 2008. On July 14, 2008, a complaint was filed in Case No. SC-2009-0024. This complaint alleges that certain customers of Vanloo Estates have only recently been receiving notices and billing statements from Aqua Missouri.

According to the new rule, once a company files a tariff, it must send additional notice to its customers and the customers are given an opportunity to file additional comments. Within five working days following the end of that customer comment period, the Office of the Public Counsel must file a statement of its position and, if desired, a request for local public hearings or for an evidentiary hearing.

This case has an unusual and unique procedural posture with the local public hearings being held prior to the filing of the tariffs and a new regulation becoming effective. However, the case should follow the procedures as set out in the new rule as closely as possible. Therefore, the Commission will set out some procedural deadlines to get this case in line with the new rule from this point forward.<sup>1</sup>

Because notice has previously been sent to customers at the time of the original inquiry and then again before the local public hearings, the Commission finds that no additional customer notice is necessary with the filing of the tariffs unless there is a portion

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<sup>1</sup> The goal is to have the case finally determined, if possible, within the eleven-month timeframe as contemplated in 4 CSR 240-3.050(24) as though the case were under the new rule from its inception on December 7, 2007.

of the customer base that has not previously received notice. Thus, if no additional notice has been mailed after the filing of the tariffs, none shall be required in accordance with 4 CSR 240-3.050(14), with the exception of those customers in the Vanloo Estates subdivision. If those customers were not previously notified of the request for a rate increase, additional notice may be required. The Commission shall direct Aqua Missouri to file a statement clarifying what notices of this proceeding have been sent to customers in Vanloo Estates. The Commission shall also require Public Counsel to make a filing stating its position regarding the agreements and tariffs or requesting any additional local public hearings or an evidentiary hearing in accordance with 4 CSR 240-3.050(15). Public Counsel should also state in its filing, any additional notice requirements that it believes are necessary in this matter.

Finally, on July 18, 2008, Deputy Chief Regulatory Law Judge Nancy Dippell, contacted Christina Baker, the attorney representing the Public Counsel in this matter, by telephone to discuss the filing deadline for Public Counsel's statement. In addition to discussing whether Public Counsel could meet the proposed deadline set out below, Ms. Baker brought to Judge Dippell's attention the complaint filing in Case No. SC-2009-0024 and that because of that case, Ms. Baker intends to request an additional local public hearing in this matter. Therefore, the Commission shall reserve the evening of August 6, 2008, beginning at 6:00 p.m. in the Commission's offices, 200 Madison Street, Room 310, Jefferson City, Missouri, for an additional local public hearing in this matter if one becomes necessary.<sup>2</sup>

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<sup>2</sup> In addition, if another local public hearing or an evidentiary hearing is requested, Judge Dippell will set a short procedural conference to be held on July 28, 2008 at 10:00 a.m.

**IT IS ORDERED THAT:**

1. No later than July 23, 2008, the Office of the Public Counsel shall file a statement of its position regarding the agreement between Aqua Missouri, Inc., and the Staff of the Missouri Public Service Commission and the related tariff revisions, or a request for any additional local public hearings or an evidentiary hearing and the reason for its request.
2. No later than July 24, 2008, Aqua Missouri, Inc., shall file a statement clarifying what notice of this rate increase request has been sent to its customers, including the customers of Vanloo Estates.
3. The parties are notified that if an additional local public hearing becomes necessary, August 6, 2008, is reserved for such hearing in the Commission's large hearing room and, if necessary, a procedural conference shall be held on July 28, 2008, as set out above.
4. This order shall become effective on July 21, 2008.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 21st day of July, 2008.