

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day of
April, 2009.

In the Matter of the Small Company Rate)	<u>Case No. WR-2008-0304</u>
Increase Request of Roy-L Utilities, Inc.)	

ORDER APPROVING MOTION TO MODIFY
ORDER APPROVING DISPOSITION AGREEMENT

Issue Date: April 15, 2009

Effective Date: April 25, 2009

Syllabus: This order modifies the disposition agreement among the Staff of the Commission (hereafter "Staff"), the Office of the Public Counsel (hereafter "OPC"), and Roy-L Utilities, Inc. (hereafter "Roy-L").

On April 30, 2008, the Commission issued an Order Approving Unanimous Agreement Regarding Disposition of Small Company Rate Increase Request and Approving Tariff. The Commission ordered the parties to abide by their agreement. Condition 7 of that agreement stated that Roy-L will install a master meter on the well by September 30, 2008, read the master meter daily, and record the meter reading on a meter reading log kept in the well house.

On March 25, 2009, Staff filed its Motion to Modify Order Approving Disposition Agreement. Staff explains that Roy-L failed to meet Condition 7, due to Roy-L spending \$2,861 in July, 2008 for an unexpected repair to the water pumping system. This unexpected repair depleted Roy-L's cash reserves; therefore, Roy-L could not buy the master meter or have it installed. Roy-L has since bought the master meter, and is

awaiting installation from a contractor. Staff states that the above-referenced circumstances constitute good cause for the Commission to modify Condition 7 in the parties' disposition agreement. Staff asks the Commission to modify Condition 7 to allow for installation of a master meter by May 1, 2009, and to order Condition 7's modification approved.

Commission Rule 4 CSR 240-2.080(15) allows parties ten days to respond to pleadings. Neither OPC nor Roy-L objected to Staff's motion.

The Commission finds Staff's motion reasonable, and will grant it.

THE COMMISSION ORDERS THAT:

1. The Motion to Modify Order Approving Disposition Agreement is approved.
2. Condition 7 of the parties' agreement is modified to allow Roy-L Utilities, Inc. until May 1, 2009 to comply with that condition.
3. The Staff of the Commission shall report to the Commission whether Roy-L Utilities has met Condition 7 of the parties' agreement no later than May 11, 2009.
4. This order shall become effective on April 25, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Murray, Davis,
Jarrett, and Gunn, CC., concur.

Pridgin, Senior Regulatory Law Judge