

4. Public Counsel did not join in the agreement because it believes the Company/Staff Agreement overstates the revenue requirement of Oakbrier and recommends an unreasonable return on equity for this Company.

5. As the Company/Staff Agreement was executed by only Oakbrier and Staff, 4 CSR 240.3-050(15) requires Public Counsel to file a pleading stating its position regarding the Company/Staff Agreement and the related tariff revisions, or requesting a local public hearing or an evidentiary hearing no later than five (5) working days after the end of the comment period for the written customer notice contemplated in 4 CSR 240-3.050(14).

6. Affording customers the opportunity to speak to the Commission at a hearing is a critical part of the ratemaking process. The amount of increase proposed in the Company/Staff Agreement may be less than what was originally requested but is still quite significant for the customer. The recommended return on equity is very high given the current economic times and greatly affects the customer's view of the proposed increase as well as the perception of the affordability of the proposed rates. Customers should have the opportunity to voice their comments and concerns regarding this proposed increase to the Commission at a local public hearing.

7. Therefore, pursuant to 4 CSR 240-3.050(15), Public Counsel requests a local public hearing.

8. Public Counsel does not object to the Commission scheduling the hearing promptly, as long as customers are given sufficient notice.

9. Section 393.150 RSMo provides that the Commission may suspend tariff sheets for a maximum period of 120 days plus six months. Scheduling and providing notice of a local public hearing in this case would require additional time beyond the October 22nd effective date of the

proposed tariff revisions. Therefore, Public Counsel requests that the Commission suspend the proposed revised tariff sheets for a sufficient period to allow adequate time for a local public hearing and subsequent case disposition as appropriate.

WHEREFORE, Public Counsel respectfully requests that the Commission schedule a local public hearing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 4th day of October 2012:

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