

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

The Office of the Public Counsel,)
COMPLAINANT)
)
v.)
)
Missouri-American Water Company,)
RESPONDENT)

Case No. WC-2014-0138

**NON-UNANIMOUS STIPULATION AND AGREEMENT
AND MOTION TO SUSPEND PROCEDURAL SCHEDULE**

COME NOW the Office of the Public Counsel, Missouri-American Water Company, and the Staff of the Missouri Public Service Commission (collectively, the Signatories), by and through their respective counsel, and, for their Non-Unanimous Stipulation and Agreement and Motion to Suspend Procedural Schedule (Non-Unanimous Agreement), respectfully state as follows to the Missouri Public Service Commission (Commission):

Agreement

1. The Signatories agree that the Direct Testimony and attached Schedules of Staff Witness Lisa A. Kremer shall be admitted in this case, without the necessity of the witness taking the stand, as evidence that Missouri-American has sufficiently addressed and corrected the Stonebridge Village billing errors which are the subject of this complaint.
2. The Signatories agree that based on the referenced evidence, it is just and reasonable that the Commission make a specific finding that Missouri-American has sufficiently addressed and corrected the Stonebridge Village billing errors which are the subject of this complaint.

3. The Signatories agree that based on a specific finding that Missouri-American has sufficiently addressed and corrected the Stonebridge Village billing errors that are the subject of this complaint, it is just and reasonable for the Commission to issue an order concluding that no further action by the Commission is required and closing this complaint.

4. This Revised Agreement has resulted from negotiations among the Signatories, and the terms hereof are interdependent. If the Commission does not approve this Non-Unanimous Agreement unconditionally and without modification, then this Non-Unanimous Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof.

5. The Signatories agree that they have read the foregoing Non-Unanimous Stipulation and Agreement, that the facts stated therein are true and accurate to the best of the Signatories' knowledge and belief; that the foregoing accurately reflects the agreement reached between Public Counsel, Missouri-American and Staff and that each individual Signatory freely and voluntarily enters into this Non-Unanimous Stipulation and Agreement.

6. Missouri-American and Staff acknowledge that Public Counsel will be filing this Non-Unanimous Stipulation and Agreement. Missouri-American and Staff also acknowledge that Public Counsel may make other filings in this case.

7. Additionally, Public Counsel and Missouri-American agree that subject to the rules governing practice before the Commission that Staff shall have the right to provide whatever oral explanation the Commission may request regarding this Non-Unanimous Stipulation and Agreement at any agenda meeting.

8. As a result of this Non-Unanimous Stipulation and Agreement, the Signatories request that the previously ordered procedural schedule be suspended and the Parties relieved of adherence to the procedural schedule at this time.

Contingent Waiver of Rights

9. This Non-Unanimous Stipulation and Agreement is being entered into solely for the purpose of settling the identified issues in the case listed above. Unless otherwise explicitly provided herein, none of the Signatories to this Non-Unanimous Stipulation and Agreement shall be deemed to have approved or acquiesced in any ratemaking or procedural principle. Other than explicitly provided herein, none of the Signatories shall be prejudiced or bound in any manner by the terms of this Non-Unanimous Stipulation and Agreement in this or any other proceeding regardless of whether this Non-Unanimous Stipulation and Agreement is approved.

10. If the Commission does not approve this Non-Unanimous Stipulation and Agreement without condition or modification, and notwithstanding the provision herein that it shall become void; neither this Non-Unanimous Stipulation and Agreement nor any matters associated with its consideration by the Commission shall be considered or argued to be a waiver of the rights that any Party has for a decision in accordance with §536.080 RSMo 2000 or Article V, Section 18 of the Missouri Constitution, and the Signatories shall retain all procedural and due process rights as fully as though this Non-Unanimous Stipulation and Agreement had not been presented for approval.

11. In the event the Commission accepts the specific terms of this Non-Unanimous Agreement without condition or modification, the Signatories waive their respective rights to present oral argument and written briefs pursuant to RSMo. §536.080.1, their respective rights to the reading of the transcript by the Commission pursuant to §536.080.2, their respective rights to seek rehearing pursuant to §536.500, and their respective rights to judicial review pursuant to §386.510. This waiver applies only to a Commission order approving this Non-Unanimous Agreement without condition or modification issued in this proceeding and only to the issues that

are resolved hereby. It does not apply to any issues not explicitly addressed by this Non-
Unanimous Agreement.

WHEREFORE, the Signatories respectfully request the Commission issue its order
suspending the procedural schedule in this case and, thereafter, approving this Non-Unanimous
Stipulation and Agreement and reflecting the specific agreements made by the Signatories
therein.

Respectfully submitted,

Counsel for the Office of the Public Counsel:

/s/ Christina L. Baker

By: _____
Christina L Baker, #58303
Deputy Public Counsel
Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
Phone: (573) 751-5565
Fax: (573) 751-5562
christina.baker@ded.mo.gov

Counsel for Missouri-American Water Company:

/s/ Dean L. Cooper

By: _____
Dean L. Cooper, #36592
Brydon, Swearngen & England P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
Phone: (573) 635-7166
Fax: (573) 634-7431
DCooper@BrydonLaw.com

Counsel for the Staff of the Commission:

/s/ Kevin A. Thompson

By: _____
Kevin A. Thompson, #36288
Chief Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
Phone: (573) 751-6514
Fax: (573) 526-6969
kevin.thompson@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the parties of record this 16th day of July, 2015.

/s/ Christina L. Baker
