

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 30th day of
April, 2014.

In the Matter of a Request of a Rate Increase)
by Terre Du Lac Utilities Corporation)

File No. WR-2014-0104
Tracking No. YW-2014-0368

ORDER REGARDING TARIFF AND DISPOSITION AGREEMENT

Issue Date: April 30, 2014

Effective Date: April 30, 2014

The Missouri Public Service Commission is:

- Granting *The Office of the Public Counsel's Request for an Evidentiary Hearing.*
- Granting the motion to suspend the tariff.

The Commission is also reserving ruling on the disposition agreement.

Terre du Lac Utilities Corporation ("the utility") initiated this action by applying for a rate increase.¹ Staff filed a disposition agreement,² ("agreement") providing for the filing of schedules for rates and terms for service ("the tariff"), which the utility filed³ with a proposed effective date of May 15, 2014. The agreement provides for a full resolution of the utility's request between Staff and the utility but does not include the Office of the Public Counsel ("OPC"). OPC filed a motion to suspend the tariff ("motion") as part of a request for a local

¹ Electronic Filing and Information System, ("EFIS") No. 1, letter, filed on October 21, 2013.

² EFIS No. 8, *Notice of Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request*, filed on March 21, 2014.

³ EFIS No. 10, tariff, filed on March 25, 2014.

public hearing.⁴ The Commission reserved ruling on the suspension of the tariff⁵ and convened a local public hearing.⁶ Staff filed a statement that the local public hearing revealed no information changing Staff's endorsement of the agreement.⁷ OPC filed *The Office of the Public Counsel's Request for an Evidentiary Hearing* ("request") including a list of issues.⁸

On the filing of such a request, the Commission's regulations provide that the Commission shall initiate a contested case, which includes the right to an evidentiary hearing. Contested case procedure also allows waivers of procedural formalities⁹ and a decision without a hearing,¹⁰ including by stipulation and agreement.¹¹ The Commission may issue notices and rulings regarding the contested case separately. Therefore, the Commission will grant the request.

The Commission's regulations also provide that, on the filing of such a request, the Commission shall suspend the tariff.¹² The statutes allow the Commission to suspend a tariff for 120 days beyond the tariff's effective date¹³ and, if that period is not enough time to conclude a full hearing on the tariff's propriety, to extend the suspension for a further six

⁴ EFIS No. 11, *The Office of Public Counsel's Request for Local Public Hearing*, filed on March 28, 2014.

⁵ EFIS No. 12, *Order Granting Motions to Convene Local Public Hearing, Combine Notices, and Waive Time Limit*, issued on March 28, 2014.

⁶ EFIS No. 15, *Transcript Volume 1*, filed on April 24, 2014.

⁷ EFIS No. 14, *Staff's Report on Local Public Hearing*, April 22, 2014.

⁸ EFIS No. 16, filed on April 29, 2014.

⁹ Section 536.060(3), RSMo 2000.

¹⁰ Section 536.060, RSMo 2000.

¹¹ 4 CSR 240-2.115.

¹² 4 CSR 240-3.050(20).

¹³ Section 393.150.1, RSMo 2000.

months.¹⁴ But the Commission's regulations provide that the Commission's decision and order in this action shall be effective no more than 11 months after this action began.¹⁵ That date is September 21, 2014. Therefore, the Commission will grant the motion.

Therefore, the Commission will reserve ruling on the agreement, grant the request for an evidentiary hearing, and suspend the tariff.

THE COMMISSION ORDERS THAT:

1. *The Office of the Public Counsel's Request for an Evidentiary Hearing* is granted.
2. The motion to suspend the tariff is granted. The tariff to which the Commission assigned Tracking No. YW-2014-0368 is suspended from May 15, 2014, for 120 days to September 12, 2014; and that period is extended by nine days to September 21, 2014. The specific tariff suspended is:

P.S.C. MO. No. 2

3. This order shall become effective immediately on issuance.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney, Hall
and Rupp, CC., concur.

Jordan, Senior Regulatory Law Judge

¹⁴ Section 393.150.2, RSMo 2000.

¹⁵ 4 CSR 240-3.050(24).