

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 22nd day
of October, 2014.

In the Matter of M.P.B., Inc.'s Request)
for Increase in Annual Sewer System)
Operating Revenues)

File No. SR-2014-0067
Tariff No. YS-2014-0410

ORDER APPROVING DISPOSITION AGREEMENT AND TARIFF

Issue Date: October 22, 2014

Effective Date: November 1, 2014

On September 5, 2014, M.P.B. Inc., ("M.P.B") and the Staff of the Commission ("Staff") filed an Updated Company/Staff Agreement Regarding Disposition of Small Company Rate Increase Request ("Updated Agreement").¹ This agreement supersedes the original Company/Staff Agreement filed on April 8. M.P.B. filed revised tariff sheets in conformity with the agreement.

On September 15, the Office of the Public Counsel ("OPC") filed a Position Statement and Request for Commission Order. OPC states that it does not object to the Updated Agreement or the tariff. But OPC points out some inconsistencies in the documents attached to the Updated Agreement.

Further, OPC notes that in a related receivership case, the parties agreed that emergency rates will consist of additional dollars to support receiver salary and expenses, initial sludge hauling, and initial grass mowing.² Those rates are subject to refund. OPC

¹ Calendar references are to 2014 unless otherwise noted.

² Commission File No. SO-2014-0052.

asks that the Commission order MPB to provide a detailed listing of what actual costs have been incurred for those emergency items and a detailed listing of the amounts collected through those emergency rates.

Staff responded with a Supplemental Updated Agreement with M.P.B. on September 25 ("Supplemental Updated Agreement"). Staff and M.P.B. represent that OPC does not object to the Supplemental Updated Agreement.

As requested in the Supplemental Updated Agreement, the Commission suspended the tariff until November 1. Further, the Supplemental Updated Agreement states that M.P.B. will continue to track the "interim rate" expenses and "interim rate" revenues and will provide updated information to Staff and OPC upon request.

Commission Rule 4 CSR 240-2.080(13) states that parties have ten days to respond to pleadings unless otherwise ordered. The Commission issued no order to the contrary, and more than ten days have elapsed since the Supplemental Updated Agreement was filed. The Commission finds the Updated Agreement and the Supplemental Updated Agreement and its corresponding revised tariff sheets reasonable and shall approve them.³

THE COMMISSION ORDERS THAT:

1. The Updated Agreement filed on September 5, 2014, and the Supplemental Updated Agreement filed on September 25, 2014, regarding M.P.B. Inc.'s request for an increase in sewer revenue are approved.

³ The Commission has the legal authority to accept stipulations and agreements as offered by the parties pursuant to Section 536.060, RSMo 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no party has requested an evidentiary hearing, the Commission may grant the relief requested based on the Agreement.

2. The signatories shall comply with the terms of the agreements referenced in ordered paragraph 1. A copy of the Updated Agreement is attached to this order as Appendix A, and a copy of the Supplemental Updated Agreement is attached to this order as Appendix B.

3. The following tariff filed by M.P.B., Inc., on September 6, 2014, and assigned Tariff File No. YS-2014-0410, is approved for service rendered on and after November 1, 2014. The tariff approved is:

P.S.C. MO No. 2

Canceling P.S.C. MO No. 1

4. This order shall become effective on November 1, 2014.
5. This file shall be closed on November 2, 2014.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

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

Pridgin, Deputy Chief Regulatory Law Judge