

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                    Thomas E. Wright, Chairman  
    Ward Loyd

In the Matter of the Application of Suburban    )  
Water, Inc. d/b/a Suburban Water Company    )        Docket No. 11-SUBW-448-RTS  
for an Order Increasing its Rates in            )  
Leavenworth County, Kansas.                    )

ORDER GRANTING STAFF MOTION AND SCHEDULING FILING OF TESTIMONY

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and being fully advised of all matters of record, the Commission summarizes the arguments of the parties and finds and concludes as follows:

1.       The Commission issued an Order on November 3, 2011, in Docket No. 10-SUBW-602-TAR, that denied an Application of Suburban Water Company, Inc. (Suburban), to approve a tariff for a purchased water adjustment (PWA). The Commission set forth several concerns regarding Suburban's request for a PWA and the pass through of increased costs proposed by the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas (BPU). The Commission directed Suburban to work with Staff to develop an abbreviated rate case filing, citing K.A.R. 82-1-231b for reference.

2.       On December 21, 2010, Suburban filed its Application under K.S.A. 66-117 and K.A.R. 82-1-231b, asking the Commission to allow an increase in rates for water service. In its Application, Suburban referenced the process developed with Staff and the Citizens' Utility Ratepayer Board (CURB), as summarized in a letter from Staff dated November 23, 2010 (November 23, 2010 letter). Suburban Application, ¶ 3. Suburban noted it seeks additional revenues in the amount of \$44,913, resulting in an increased commodity charge to customers of \$0.53 per 1,000 gallons. Application, ¶ 7.

3. On March 10, 2011, Staff filed a Motion requesting leave for Staff to file testimony and for CURB and Suburban to file responsive testimony. Staff noted the agreement in the November 23, 2010 letter, and requested permission to prefile its recommendations using written testimony, which Staff believes will be more beneficial to the Commission and parties than filing a report with recommendations. Staff proposed its testimony be filed on March 16, 2011, with service on the parties and Advisory Counsel by electronic mail. Staff proposed that CURB and Suburban file responsive testimony by March 30, 2011. Staff further suggested that the Commission issue an interim order by Friday, April 15, 2011, if possible.

4. The Commission has jurisdiction over this proceeding under K.S.A. 66-117.

#### FINDINGS AND CONCLUSIONS

5. The Commission notes that Suburban submitted prefiled testimony with its Application. The Commission finds appropriate Staff's proposal to use prefiled testimony in this proceeding to address the issues and discuss its recommendations. K.A.R. 82-1-229. The Commission grants Staff's request to file testimony by March 16, 2011. The Commission also permits CURB and Suburban to prefile responsive testimony, which will be due March 30, 2011. While understanding the desire for a decision without delay, the Commission cannot commit to issuing an interim order by Friday, April 15, 2011. The Commission will need to review testimony and filings in this proceeding to determine whether the issues have been appropriately addressed, including those areas of concern discussed in its November 3, 2011 Order in Docket No. 10-SUBW-602-TAR.

6. Staff asked that parties be allowed to use electronic service for prefiled testimony. Advisory Counsel reports that parties have agreed to use electronic service of all testimony, briefs, other pleadings and orders, without requiring provision of follow-up hard copies as required by K.A.R. 82-1-216(a)(6). Confidential papers will be served either electronically if confidentiality can be retained or by some other method such as providing information on a compact disc. Testimony, briefs, and other pleadings must be served electronically by 3:00 p.m. on the date due, without requiring service among the parties of a follow-up hard copy, but the

original and at least seven paper copies of testimony, briefs and other pleadings must still be filed in the Commission's docket room by close of business on the date of the deadline. Electronic service of Commission Orders without follow-up hard copies will specifically state in the electronic message serving the Order that the electronic message constitutes service of the attached Order and that a hard copy will not follow to make clear paper copies will not also be provided. Electronic service of testimony, briefs and other pleadings shall include service on Martha Coffman, Chief Advisory Counsel, at [m.coffman@kcc.ks.gov](mailto:m.coffman@kcc.ks.gov).

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Commission hereby grants Staff's Motion and request to submit prefiled testimony by March 16, 2011. The Commission further grants CURB and Suburban the opportunity to submit responsive prefiled testimony by March 30, 2011.

(B) The parties have agreed to service of testimony, briefs, other pleadings and orders by electronic service with no follow-up hard copy, as discussed above in paragraph 6.

(C) Parties have fifteen days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration of any matter decided herein. K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529(a)(1).

(D) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn; Loyd, Com.

Dated: MAR 18 2011

<sup>e</sup>  
ORDERED & MAILED

MAR 18 2011

 EXECUTIVE  
DIRECTOR

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Susan K. Duffy  
Executive Director

mjc

MAR 18 2011

**CERTIFICATE OF SERVICE**

11-SUBW-448-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Granting Staff Motion and Scheduling Filing of Testimony was served by electronic mail this 18th day of March, 2011, to the following who have waived receipt of follow-up hard copies:

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Sheryl L. Sparks  
Administrative Specialist

ORDER MAILED MAR 18 2011