

**ARKANSAS PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION	)	
OF LIBERTY UTILITIES (PINE BLUFF	)	
WATER) INC. FOR APPROVAL OF A	)	DOCKET NO. 22-064-U
GENERAL CHANGE OR MODIFICATION IN	)	ORDER NO. 2
RATES, CHARGES, AND TARIFFS	)	

**ORDER**

On September 30, 2022, Liberty Utilities (Pine Bluff Water) Inc. (Liberty or Company) filed an *Application for Approval of A General Change or Modification in Rates, Charges, and Tariffs* (Application) along with Minimum Filing Requirements (MFR) schedules, proposed new tariffs, and the supporting Direct Testimonies of Liberty's witnesses, with redacted Confidential Information.

On October 6, 2022, the Arkansas Public Service Commission (Commission) issued Interim Protective Order No. 1, finding that Liberty failed to comply with the deadline for filing its Motion for IPO under Rule 4.04(a)(1) of the Commission's *Rules of Practice and Procedure* and that the Application was incomplete until the Confidential Information was filed. Order No. 1 further held that if a suspension of the proposed rates is requested under Ark. Code Ann. § 23-4-407, the suspension shall run from the date that Liberty completes its Application by filing the Confidential Information redacted in the September 30, 2022 filing, not the date its partial Application was filed. Liberty completed its Application by filing unredacted versions of its Confidential Information on October 6, 2022.

On October 17, 2022, Liberty filed certain amendments to its Application, including revised MFR schedules, amended testimony, and amended exhibits.

On November 2, 2022, the General Staff (Staff) of the Commission filed a *Motion for Suspension of Rates and to Adopt Procedural Schedule*, asserting that Staff's investigation will exceed 30 days and requesting that the rates proposed in Liberty's Application be suspended pursuant to Ark. Code. Ann. § 23-4-407(a). Staff also proposed the following procedural schedule, to which it states that Liberty and the Arkansas Attorney General's Office have agreed:

Staff and Intervenor's Direct Testimony	Tue, Mar 28, 2023
Company Rebuttal Testimony	Tue, Apr 25, 2023
Staff and Intervenor's Surrebuttal Testimony	Tue, May 23, 2023
Company Sur-Surrebuttal Testimony	Thu, Jun 01, 2023
Issues List/Settlement	Fri, Jun 16, 2023
Testimony in Opposition to Settlement	Wed, Jun 21, 2023
Hearing	Tue, Jun 27, 2023
Public Comments Hearing	Thu, Jul 06, 2023

#### Commission Findings and Ruling

Pursuant to Ark. Code Ann. § 23-4-407(a) and based upon the recommendation of Staff and upon the need to establish an orderly process for review of Liberty's Application, the Commission hereby suspends the proposed rates and tariffs initially filed by Liberty on September 30, 2022, as supplemented and completed on October 6, 2022, and as amended on October 17, 2022. The suspension shall run from October 6, 2022, when Liberty's Application was completed. This suspension shall apply to any further rate and tariff revisions filed by Liberty in this Docket as a part of its general rate change.

The Commission finds that the procedural schedule for Liberty's Application is reasonable and is approved.<sup>1</sup> All filings shall be made by noon the day of the deadline. If legal issues are identified that the Parties believe should be briefed, the Parties should petition the Commission for an amendment to the procedural schedule to allow for legal briefing as soon as they are aware of potential legal issues in this Docket to enable briefs to be filed before the hearing. Legal briefs shall not otherwise be filed.

The public evidentiary hearing on Liberty's proposed change in rates, charges, and tariffs is scheduled to begin at **9:30 a.m. on Tuesday, June 27, 2023**, in the Commission Hearing Room located in the Arkansas Public Service Commission Building, 1000 Center Street, Little Rock, Arkansas. The location and time of the public comment hearing will be set by a future order.

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<sup>1</sup> If a unanimous Settlement is not reached and filed by the indicated date, an Issues List detailing the outstanding contested issues in the Docket shall be filed on that date (1) instead of a unanimous Settlement or (2) in addition to any non-unanimous Settlement. With a non-unanimous Settlement, "outstanding contested issues" shall be those which remain contested after consideration of the non-unanimous Settlement. At the same time that the Settlement or Issues List is filed, the Parties are directed to notify the Commission whether they will proceed with the live hearing or waive the live hearing.

Docket No. 22-064-U-U

Order No. 2

Page 4 of 4

BY ORDER OF THE COMMISSION.

This 3<sup>rd</sup> day of November, 2022.



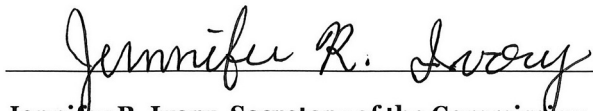
Katie Anderson, Chair



Kimberly A. O'Guinn, Commissioner



Justin Tate, Commissioner



Jennifer R. Ivory, Secretary of the Commission

I hereby certify that this order, issued by  
the Arkansas Public Service Commission, has been  
served on all parties of record on this date by the  
following method:

☐ U.S. mail with postage prepaid using the mailing  
address of each party as indicated in the official  
docket file, or

☒ Electronic mail using the email address of each  
party as indicated in the official docket file