

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

In the Matter of the Small Company Rate	)	
Increase Request of Gladlo Water & Sewer	)	<u>Case No. WR-2009-0418</u>
Company, Inc.	)	

**MOTION TO MODIFY ORDER APPROVING SMALL COMPANY RATE INCREASE  
AND APPROVING TARIFFS**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and for its *Motion to Modify* states the following:

1. On October 7, 2009, Staff filed a *Notice of Agreement Regarding Disposition of Small Company Rate Increase Request*. ("Disposition Agreement")
2. On November 23, 2009, the Commission issued its *Order Approving Small Company Rate Increase and Approving Tariff*. ("Order")
3. The Order states that "Gladlo Water and Sewer Co., Inc., is directed to comply with the terms of the Company/Staff Agreement Regarding Disposition of Small Water Company Revenue Increase Request." *See Order at 2.*
4. Condition (11) of the Disposition Agreement states that "within sixty (60) days of the effective date of an order approving this Company/Staff Disposition Agreement, the Company will file all necessary documentation with the Missouri Secretary of State (SOS) required to obtain a Certificate of Good Standing. The Company further agrees to file a Statement of Change of Registered Agent and/or Registered Office with the SOS within thirty (30) days of the granting of a Certificate of Good Standing." Therefore, the Certificate of Good Standing documentation filing was to occur by January 31, 2010 and the Statement of Change of Registered Agent and/or Registered Office filing was supposed to occur by March 2, 2010.

5. Staff reports to the Commission that the receiver has notified Staff that the necessary documentation to receive a Certificate of Good Standing was filed with the Missouri Secretary of State's Office (SOS) on February 9, 2010, and that the delay was caused by unforeseen problems in receiving a tax clearance from the Missouri Department of Revenue, which is a prerequisite to be able to file for reinstatement.

6. Gladlo's Receiver will notify Staff when its Reinstatement and Certificate of Good Standing is issued and/or approved.

7. It is Staff's knowledge and belief that the Company has met the underlying Condition (11) of the Disposition Agreement, but due to unforeseen circumstances the Company was unable to meet the January 31, 2010 deadline. Therefore, Staff requests the Commission approve a date modification to March 31, 2010 to give the Company time to complete Condition (11).

8. The Company supports this request for modification.

**WHEREFORE**, Staff respectfully requests that the Commission grant a modification of Condition (11)'s completion date from January 30, 2010 to March 31, 2010.

Respectfully submitted,

/s/ Shelley Syler Brueggemann  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 11<sup>th</sup> day of February, 2010.

/s/ Shelley Brueggemann