

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

In the Matter of the Missouri-American Water                    )  
Company Contract with Premium Pork, L.L.C.                    )       Case No. \_\_\_\_\_  
(now known as Triumph Food, LLC), for the                    )  
Retail Sale and Delivery of Potable Water.                    )

**OFFICE OF THE PUBLIC COUNSEL’S REQUEST FOR REVIEW**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Request for Review states as follows:

1.       On October 17, 2003, Missouri-American Water Company (Missouri-American or the Company) filed an application with the Public Service Commission (Commission) seeking authorization to perform according to an agreement which had been negotiated between Missouri-American and Premium Pork, LLC for the retail sale and delivery of water. The application was designated as Commission Case No. WT-2004-0192.
2.       A Contract for Retail Sale and Delivery of Potable Water (the Contract) between Missouri-American and Premium Pork, LLC was filed in Case No. WT-2004-0192 as Attachment A and was designated as Highly Confidential.
3.       The Commission authorized Missouri-American to perform according to the Contract in an order issued in Case No. WT-2004-0192, effective November 25, 2003.
4.       Since the Contract is for a period of ten or more years, Missouri-American’s Economic Development Rider tariff, on file with the Commission, requires:

“...that: (1) the Commission’s Staff and the Office of Public Counsel have the right to request a Commission review of the continued appropriateness of the alternative rate set forth in the contract after the initial five years of the contract, with the purpose of such review being to determine whether the alternative rate continues to be in the best interest of all customers in the Company’s service

territory; (2) the Commission, acting on its own volition, may also open an inquiry in this regard; (3) if, upon such review(s), the Commission finds that the contract, as implemented, no longer serves the public interest, it may allow the Company to continue providing service under the contract after adjusting rate conditions to restore the interests of the Company's other customers in the service territory, or it may direct the Company to terminate the contract; and (4) the results of any review(s) conducted under these provisions shall be implemented in a general rate proceeding."

5. As the initial five years of the Contract have now passed, Public Counsel requests a Commission review of the continued appropriateness of the alternative rate set forth in the Contract for Retail Sale and Delivery of Potable Water between Missouri-American and Premium Pork, LLC (now known as Triumph Food, LLC), with the purpose of such review being to determine whether the alternative rate continues to be in the best interest of all customers in Missouri-American's St. Joseph District service area.

6. Public Counsel states that a review is appropriate because the variable cost identified in the original application has increased significantly, resulting in diminished benefit to other ratepayers.

7. Public Counsel also states that in Commission Case No. WR-2008-0311, it estimated the impact of this discount to exceed \$1,000,000 for the St. Joseph District of Missouri-American.

8. If the Commission determines, after such a review, that the Contract no longer serves the public interest, Public Counsel suggests that the Commission has the authority to: 1) adjust the Contract rate conditions to a level that restores the interests of Missouri-American's other customers in the St. Joseph District; or 2) direct Missouri-American to terminate the Contract.

**WHEREFORE**, Public Counsel respectfully submits its request for review of the alternative rate set forth in the Contract and for any additional relief the Commission deems necessary to protect the public interest.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Christina L. Baker**

By:\_\_\_\_\_

Christina L. Baker (#58303)

Senior Public Counsel

P O Box 2230

Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

christina.baker@ded.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 20th day of February 2009:

General Counsel Office  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
GenCounsel@psc.mo.gov

Missouri-American Water Company  
John J Reichart  
727 Craig Road  
St. Louis MO 63141  
john.reichart@amwater.com

Triumph Foods, LLC  
Legal Department  
5302 Stockyards Expressway  
St. Joseph, MO 64504

**/s/ Christina L. Baker**

---