

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 11th
day of January, 1991.

Raymond H. Wilbers, Inc.,)	
)	
Complainant,)	
)	
vs.)	<u>CASE NO. WC-91-166</u>
)	
Missouri Cities Water Company,)	
)	
Respondent.)	

ORDER AND NOTICE OF DISMISSAL

In response to the instant Complaint the Respondent Missouri Cities Water Company (Company), filed an Answer in which dismissal is sought on the grounds that the Complaint fails to state a claim upon which relief may be granted.

Upon consideration of the Complaint and the Answer filed, the Commission concludes that the request to dismiss should be granted.

The Complaint alleges the improper application by the Missouri Department of Natural Resources of its Regulation 10 CSR 60-11.010 covering the prevention of contamination of the public water system by backflow. Specifically, the Complaint protests the denial of an exemption from the application of the cited rule by the Department of Natural Resources. The Complaint also seeks an order preventing the shutting off of the water supply to the involved premises until this matter is settled to the satisfaction of all parties concerned.

The Commission concludes that the instant Complaint should be dismissed since this Commission does not have jurisdiction over the subject matter. This Commission is without authority to interfere in the application of the rules and regulations of another state agency. The cited rule, under certain circumstances,

provides for disconnection of the public water supply from the customer's service line. That requirement is one of the Department of Natural Resources and not of this Commission.

The Commission's formal complaint process is adversary in nature in which the complainant must allege in his complaint some act or thing done or omitted to be done by a utility in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the Commission. Section 386.390, RSMo. (Cumm. Supp. 1990). The instant Complaint does not involve any rule or order or decision of the Commission, any tariff violation of the Company, or any provision of law that this Commission is authorized to enforce. Therefore, the instant Complaint should be dismissed.

IT IS THEREFORE ORDERED:

1. The Complaint filed herein on October 29, 1990, by Raymond H. Wilbers, Inc. against Missouri Cities Water Company be dismissed.
2. That this Order shall become effective on January 21, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,
McClure and Letsch-Roderique, CC.,
Concur.