

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 11, 2001**

CASE NO: WO-2002-17

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Jeffrey H. Blaylock
Ford, Parshall & Baker
609 East Walnut Street
P. O. Box 1097
Columbia, MO 65205

John Briscoe
Briscoe & Mobley
423 South Main Street
PO Box 446
New London, MO 63459

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

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

In the Matter of the Application of the City of Hannibal,)
Missouri, and Public Water Supply District No. 1 of)
Ralls County, Missouri, for Approval of a Territorial)
Agreement Concerning Territory Encompassing Part)
of Ralls County, Missouri.)

Case No. WO-2002-17

**ORDER SUSPENDING PROCEDURAL SCHEDULE
AND DIRECTING FILING**

On September 26, 2001, the Staff of the Missouri Public Service Commission, on behalf of all of the parties, moved the Commission to cancel the procedural schedule and stay further proceedings herein because of certain issues raised by the United States Department of Agriculture regarding the proposed territorial agreement. The parties did not specify the nature of those issues and, indeed, may not have that information.¹ The parties pray that the Commission will cancel the procedural schedule and stay the proceedings until such time as the U.S.D.A. approves the proposed territorial agreement.

The Commission notes that, since the motion was filed, the parties have failed to comply with the Procedural Schedule adopted by the Commission on September 7, despite the fact that the Commission had not yet ruled on the motion. Thus, it is not now possible to convene a hearing on October 15. Therefore, the Commission will suspend the procedural schedule and cancel the hearing.

Section 247.172.3, RSMo 2000, requires that the Commission act on a proposed territorial agreement within 120 days, unless the Commission extends the period for good

¹ Paragraph 3 of the Motion states, "The USDA has not yet informed the parties of its specific concerns."

cause shown. It is this authority that the parties urge the Commission to exercise. However, the parties have not shown good cause such as would justify an extension of the statutory deadline. The vague explanation that the U.S.D.A. has raised "issues" does not constitute good cause.

The Commission will direct the parties to submit an amended procedural schedule that will complete this case within the statutory 120-day timeline. Any request for an extension of that timeline must be supported by allegations of fact and law making out good cause such as would support such an extension.

IT IS THEREFORE ORDERED:

1. That the Joint Motion to Cancel Procedural Schedule and Stay Proceedings, filed by the Staff of the Missouri Public Service Commission on behalf of all parties on September 26, 2001, is denied.
2. That the hearing set for October 15, 2001, is canceled.
3. That the procedural schedule adopted on September 7, 2001, is suspended.
4. That the parties shall, on or before October 19, 2001, submit a proposed amended procedural schedule that complies with Section 247.172.3, RSMo 2000.

5. That this order shall be effective on October 11, 2001.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to Section 386.240,
RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of October, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 11th day of Oct. 2001.**





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge