

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 25, 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

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 25th day of
October, 2001.

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 CANCELING PROCEDURAL SCHEDULE,
EXTENDING DECISION DEADLINE,
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 unspecified issues raised by the United States Department of Agriculture (U.S.D.A.) regarding the proposed territorial agreement. On October 11, the Commission denied the parties' motion, canceled the hearing set for October 15, suspended the procedural schedule, and directed the parties to submit a new procedural schedule by October 19. Instead, the parties filed their Second Joint Motion to Cancel Procedural Schedule and Stay Proceedings.

In their Second Motion, the parties explain that the U.S.D.A. is a secured creditor of Public Water Supply District No. 1 of Ralls County with respect to bonds worth \$740,000, issued by the District and guaranteed by the U.S.D.A.; that the District cannot alienate any of its assets or service area without prior written permission of the U.S.D.A.; that the U.S.D.A. has neither given that written permission nor explained the specific nature of its

concerns; and that action on the territorial agreement without U.S.D.A. approval would put the District in default. The parties further explain that, even if the U.S.D.A. were to immediately provide specific information, this proceeding could not be completed within 120 days of July 7, the original filing date. The parties expect that the U.S.D.A.'s concerns, when known, will require renegotiation of portions of the territorial agreement. The parties pray that the Commission will cancel the existing procedural schedule and stay this proceeding for an indefinite period.

Section 247.172.3, RSMo 2000, requires that the Commission complete a proceeding of this type within 120 days of filing unless, "for good cause shown," the Commission extends the deadline. The Commission finds that the parties have indeed shown good cause in that the proceeding cannot be completed within the 120-day period, even if the U.S.D.A. were to provide its specific concerns immediately. Therefore, the Commission will cancel the existing procedural schedule and extend the decision deadline.

However, the Commission will not hold this case in abeyance indefinitely. The Commission will direct the parties to file a proposed procedural schedule designed to complete this case within 60 days of the date of this order. In the event that the parties are unable to comply, the Commission will dismiss this proceeding.

IT IS THEREFORE ORDERED:

1. That the Second 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 October 19, 2001, is granted.
2. That the procedural schedule adopted on September 7, 2001, is canceled.

3. That the deadline for decision in this matter is extended from November 7, 2001, to January 7, 2002.

4. That the parties shall, on or before October 31, 2001, submit a proposed procedural schedule designed to complete this case by January 7, 2002.

5. That this order shall be effective on October 31, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Simmons, Ch., Murray, Lumpe,
and Gaw, CC., concur.

Thompson, Deputy Chief Regulatory Law Judge

ALJ/Secretary: Thompson Copy

10-23 100-2002-17
Date Circulated CASE NO.

KS
Simmons, Chair

CM
Murray, Commissioner

SLP
Lumpe, Commissioner

716
Gay, Commissioner

Commissioner

UK

10-25
Agenda Date

Action taken: 4-0 AS
Must Vote Not Later Than

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 25th day of Oct. 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

