

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Timber Creek Sewer Company for a)
Certificate of Convenience and Necessity)

File No. SA-2010-0063

ORDER EXTENDING TIME TO FILE RECOMMENDATION AND RESERVING RULING ON PRE-HEARING CONFERENCE

Issue Date: October 2, 2009

Effective Date: October 2, 2009

The Missouri Public Service Commission is granting in part the Motion for Pre-Hearing or in the Alternative Extension of Time to File Staff Recommendation (“motion”).

The Commission’s staff (“Staff”) filed the motion on October 1, 2009, seeking an extension of time to file its recommendation. The Commission may grant the motion because the Commission set that deadline by order.¹ Our regulation ordinarily allows ten days for a response, but provides that the Commission may “otherwise order[.]”² Neither regulation sets forth a standard, but the motion supports relief under both because it describes good cause. It notes that the Commission has extended the time for motions to intervene until October 5, 2009, while Staff’s filing deadline for its recommendation remains at October 7, 2009, and that no party opposes the motion. Therefore, the Commission will grant the motion.

The motion is an alternative to a motion for a pre-hearing conference. But the Commission has scheduled no hearing, a motion to intervene is pending, and the deadline to file further such motions has not yet passed. Therefore, the Commission will reserve ruling on the motion for pre-hearing conference.

¹ 4 CSR 240-2.050(3).

² 4 CSR 240-2.080(15).

THE COMMISSION ORDERS THAT:

1. The Motion for Extension of Time to File Staff Recommendation is granted and the Commission's Staff shall file its recommendation no later than November 2, 2009.
2. A ruling on the Motion for Pre-Hearing is reserved.
3. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2th day of October 2009.