

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 20th day
of June, 2012.

In the Matter the Application of Jefferson County,)
Missouri for Authority to Sell the Utility Assets of)
Meramec Sewer Company)

File No. SM-2012-0423

**ORDER DISMISSING CASE
FOR LACK OF JURISDICTION**

Issue Date: June 20, 2012

Effective Date: July 19, 2012

On June 14, 2012, Jefferson County, Missouri filed an application to sell the assets of Meramec Sewer Company. Jefferson County informs the Commission that the Meramec Sewer owes \$72,000 in back taxes and seeks to collect such taxes through a sale of the company's assets.

In support of its application, Jefferson County cites to §140.150, which provides that a county may sell real estate for the purpose of discharging a lien resulting from delinquent and unpaid taxes. That section goes on to state that no such sale may occur without judicial proceedings. As an administrative body, the Commission has only that jurisdiction which is expressly conferred by statute.¹ The statute cited by the County does not confer such power to the Commission.

Concerning the sale of utility assets, §393.190 prohibits *a utility* from selling its assets without Commission approval. Through this application, Jefferson County, not the utility, is seeking to sell the utility's assets. Section 393.190 is therefore inapplicable.

¹ *State ex rel. Kansas City Transit, Inc. v. Public Service Comm'n*, 406 S.W.2d 5, 8 (Mo. 1966).

Because Jefferson County has cited no law supporting the Commission's power to grant this application, the Commission will dismiss the application for lack of jurisdiction.

THE COMMISSION ORDERS THAT:

1. The Application for Sale of Utility Assets, filed by Jefferson County, Missouri, is dismissed for lack of jurisdiction.
2. This order shall become effective on July 19, 2012.
3. This case shall be closed on July 20, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett and Kenney, CC., concur.
Stoll, C., abstains.

Jones, Senior Regulatory Law Judge