

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of )  
Timber Creek Sewer Company, for )  
Permission, Approval and a )  
Certificate of Convenience and Necessity ) File No. SA-2010-0100  
Authorizing it to Construct, Install, Own, )  
Operate, Control, Manage and Maintain a )  
Sewer System for the Public, Located in an )  
Unincorporated Area in Clinton County, Missouri )

## ORDER EXTENDING TIME FOR FILING

Issue Date: October 20, 2009

Effective Date: October 20, 2009

The Missouri Public Service Commission is granting the motion to extend the time for filing the recommendation ("the motion") of the Commission's staff ("Staff").

Staff filed on October 20, 2009, seeking to extend a deadline set in the Commission's September 22, 2009, order. The motion seeks the following relief:

When an act is required . . . to be done by order . . . of the commission . . . within a specified time, the commission, at its discretion, may—

(A) Order the period enlarged before the expiration of the period originally prescribed [<sup>1</sup>]

The motion is also ordinarily subject to a ten-day response period:

Parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission. [<sup>2</sup>]

Those regulations do not set forth a standard against which to measure the Commission's exercise of discretion. Nevertheless, Staff supports the motion with good cause, meaning reasonableness and good faith.<sup>3</sup>

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<sup>1</sup> 4 CSR 240-2.050(3).

<sup>2</sup> 4 CSR 240-2.080(15).

Staff alleges that an onsite visit will supply additional facts for its recommendation, but that additional time will be necessary to make such visit, evaluate such facts and make such recommendation. Staff has shown good cause for the motion, and for dispensing with the response time, which supports an exercise of our discretion in Staff's favor. Therefore, the Commission will grant the motion.

**THE COMMISSION ORDERS THAT:**

1. The Motion for Extension of Time is granted.
2. The Commission's staff shall file its recommendation no later than November 13, 2009.
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 20<sup>th</sup> day of October 2009.

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<sup>3</sup> ***American Family Ins. Co. v. Hilden***, 936 S.W.2d 207 (Mo. App., W.D. 1996).