

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

Kim Sullens,	)	
	)	
Complainant,	)	
v.	)	<b><u>File No. SC-2009-0342</u></b>
	)	
Aqua Missouri, Inc.,	)	
	)	
Respondent.	)	

**ORDER GRANTING MOTION FOR LEAVE  
TO FILE ANSWER OUT OF TIME**

Issue Date: April 30, 2009

Effective Date: April 30, 2009

On March 20, 2009, Kim Sullens filed a complaint with the Missouri Public Service Commission against Aqua Missouri, Inc. On March 23, 2009, the Commission issued a notice of the complaint to Aqua Missouri and directed the company to file an answer no later than April 22, 2009. Aqua Missouri filed its answer on April 27, then, on April 28, filed a motion for leave to file its answer out of time.

In its motion Aqua Missouri states that the “delay in filing the Answer was not intentionally or recklessly designed to impede the Commission’s process, but the result of unforeseen communications and notice problems.”<sup>1</sup>

Under Commission rule 4 CSR 240-2.050(3)(B) when a party fails to act by a date specified by Commission order, the Commission may “permit the act to be done where the failure to act was the result of excusable neglect.” Although Aqua Missouri failed to file its answer as directed, the Commission concludes that the company’s failure to do so was the result of excusable neglect. The Commission will therefore grant the requested relief.

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<sup>1</sup> Aqua Missouri incorrectly cites Missouri Supreme Court rule 74.05(d) as support for its motion.

**THE COMMISSION ORDERS THAT:**

1. Aqua Missouri, Inc.'s Motion for Leave to File Answer Out of Time is granted.
2. This order shall become effective upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 30th day of April, 2009.