

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Missouri-American Water Company's )  
Request for Authority to Implement a General Rate ) Case No. WR-2010-0131  
Increase for Water Service Provided in )  
Missouri Service Areas )

**APPLICATION TO INTERVENE OUT OF TIME**

COMES NOW the City of Jefferson City, Missouri (hereinafter sometimes the City of Jefferson or the City), pursuant to 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene Out of Time respectfully states:

1. The City of Jefferson, Missouri, is a municipality of the State of Missouri.
2. Correspondence, communications, orders and the decision in this matter should be

addressed to:

Nathan Nickolaus  
City Counselor  
City Hall  
320 East McCarty Street  
Jefferson City, MO 65101  
Telephone No.: 573/634-6313  
Fax No.: 573/634-6504

Mark W. Comley  
NEWMAN, COMLEY & RUTH P.C.  
P.O. Box 537  
Jefferson City, MO 65102-0537  
Telephone No.: 573/634-2266  
Fax No.: 573/636-3306

3. This case arose when Missouri-American Water Company ("Missouri-American") submitted proposed tariff sheets to the Commission which intended to implement a general rate increase for water service provided by the company. On November 18, 2009 the Commission issued

a suspension order and notice directing that interested parties wishing to intervene must do so on or before November 30, 2009. This application is therefore one day out of time.

4. Because of intervening holidays and other commitments of counsel, final approval for counsel to submit this application to intervene had not been obtained before the intervention deadline. Failing to meet the intervention deadline was not for purposes of delay but rather due to circumstances which the City and its attorneys ask the Commission to deem excusable.

5. The City of Jefferson is interested in the impact of any decisions in this proceeding on behalf of itself and its residents and businesses. It desires to participate fully in this proceeding including hearing and the briefing of the issues.

6. The parties have not yet proposed a procedural schedule for this case. If the Commission should grant this application, neither the parties nor the Commission will be prejudiced. The City believes its participation in the matter will be important to the other parties, and would assist the Commission in any deliberations on the subject matter.

7. At this time, the City of Jefferson is uncertain of the position it will take in this matter.

8. Granting the proposed intervention would serve the public interest.

WHEREFORE, for the foregoing reasons, the City of Jefferson, Missouri, respectfully requests that the Commission grant its Application to Intervene in this matter, and thereby entitle the City to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the arguments, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

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601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 (FAX)

Attorneys for City of Jefferson City, Missouri

ATTORNEY VERIFICATION

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF COLE        )

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for the City of Jefferson City, Missouri which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.

/s/ Mark W. Comley  
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 1st day of December, 2009.

/s/ Annette M. Borghardt  
Notary Public for Cole County, MO  
M.C.E. 3-11-2010; Commission # 06436657

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via email on this 1st day of December, 2009, to:

General Counsel at gencounsel@psc.mo.gov;  
Public Counsel at opcservice@ded.mo.gov;  
Dean Cooper at dcooper@brydonlaw.com;  
W. R. England at trip@brydonlaw.com;  
John Reichart at john.reichart@amwater.com;  
Sherrie Schroder at saschroder@hammondshinners.com;  
Michael Evans at mevans@hammondshinners.com.

/s/ Mark W. Comley  
Mark W. Comley